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MISCELLANIES

CRITICAL, IMAGINATIVE, AND JURIDICAL.

PRINTED BY WILLIAM BLACKWOOD AND SONS, EDINBURGH.

MISCELLANIES

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CRITICAL, IMAGINATIVE, AND JURIDICAL

CONTRIBUTED TO BLACKWOOD'S MAGAZINE.

BY

SAMUEL WARREN,
D. C. L. F. R. S.
OF THE INNER TEMPLE,
ONE OF HER MAJESTY'S COUNSEL.

IN TWO VOLUMES.

VOL. I.

WILLIAM BLACKWOOD AND SONS,
EDINBURGH AND LONDON.
MDCCCLV.

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TO

A VENERABLE FATHER,

THE REVEREND SAMUEL WARREN, LL.D.,

INCUMBENT OF ALL SOULS', ANCOATS, MANCHESTER,

THESE VOLUMES

ARE RESPECTFULLY INSCRIBED,

BY AN AFFECTIONATE SON.

INNER TEMPLE, *December* 1854.

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PREFACE.

THESE volumes contain such of the Author's contributions to *Blackwood's Magazine*, as appeared to deal with subjects of general, intrinsic, and permanent interest and importance. Most of them were originally written with a view to subsequent separate publication; and some have cost the Author great pains, alike in the writing and revision.

The paper, however, entitled "The Mystery of Murder, and its Defence," did not appear in *Blackwood's Magazine*, but in the quarterly *Law Review*, and is included in these "Miscellanies," for reasons stated in a note subjoined to the commencement of the paper.

The short prize poem, entitled "The Martyr Patriots," is here inserted, principally from the Author's desire to indicate his early connexion with the ancient and distinguished University of

Edinburgh, towards which he entertains feelings of great respect.

The last article in this collection, entitled "Some Personal Recollections of Christopher North," is a brief unstudied tribute of affection and admiration for the character and genius of Professor Wilson. It was written originally for these "Miscellanies;" but, at Messrs Blackwood's request, also appears in the number of *Blackwood's Magazine* for December 1854. It has been suggested to the Author, with reference to an allusion made, in a note to that paper, to a letter received by him from Sir Walter Scott, that the reader might be pleased to see the entire letter: which is therefore here given, as an evidence of the extraordinary good nature and condescension of that great writer to an unknown correspondent, a mere boy—scarcely entered upon his seventeenth year. He had, at that early period, nearly completed, in secret, a work for the press; and, in a sudden fit of that enthusiasm with which the author of "Waverley" inspired so many of his myriad readers, actually presumed to write to him, giving an outline of the proposed undertaking, and asking the great man's advice how to set about publishing! Hoping that his intrusion in so doing may be deemed, in some degree, atoned for, by giving the public so interesting an evidence of the then Great Unknown's good-natured counsels to an unknown youthful literary aspirant, here is a *verbatim* copy of the letter in question :—

"ABBOTSFORD, 3*d August* [1823].

"SIR,—I am favoured with your letter of the 26th ult., which some business prevented my sooner replying to. I am not the author of those novels which the world chooses to ascribe to me, and am therefore unworthy of the praises due to that individual, whoever he may prove to be. It is needless, therefore, to add, that I cannot be useful to you in the way you propose. Indeed, if you will take my advice, you will seek no other person's judgment or countenance on the project of publishing which you entertain, than that of an intelligent bookseller, who is in a good line in the trade. Although no great readers, nor pretending to particular taste, these gentlemen, whose profession it is to cater for the public, acquire much more accurate knowledge of what will give satisfaction to the general reader, than can be obtained by a man of letters in his closet. They have also ready access to good judges, and their own interest peremptorily commands them to give as much encouragement as possible to genius, or anything approaching it.

"Excuse these hints from one who has had some experience, and believe me, Sir, your most obedient servant,

"WALTER SCOTT.

"SAMUEL WARREN, Esq."

INNER TEMPLE, LONDON, 1*st December* 1854.

MISCELLANIES.

THE BRACELETS.

A TALE.*

[The ensuing sketch was written when the author was of very youthful age. It was the first communication he ever sent to *Blackwood's Magazine*.]

It was late on the evening of a gloomy and bitter day in December, about the middle of the seventeenth century, that Carl Koëcker, a student of Goettingen University, having sipped his last cup of coffee, was sitting thoughtfully in his room, with his feet crossed and resting on the fender of his little fire-place. His eyes were fixed on the fire, which crackled and blazed briskly, throwing a cheerful lustre over his snug study. All the tools of scholar-craft lay about him. On a table by his side lay open various volumes of classic and metaphysic lore, which shewed evident marks of service, being respectably thumbed and fingered; sundry note-books, filled with memoranda of the day's studies, and a case of mathematical instruments. Two sides of the chamber were lined with well-filled book-shelves; on one side was the window, and the corresponding one bore a dusky picture of Martin Luther. All was silent as the most studious German could desire; for the stillness was, so to speak, but enhanced by the whispered tickings of an old-fashioned family watch, suspended over the mantel-piece. As for Carl himself, he was of goodly look and stature. His shirt-neck lay open, with the spotless collar turned down on each side; his right hand lay in his bosom, and his left, leaning on the table, supported his learning-laden head; for learned he certainly was, after the fashion of that day. His brow was furrowed with thoughtful anxiety, which, together with his sallow features and long black mustaches, gave him the appearance of an older man than he really was. As for his thoughts, it were difficult to say whether, at the moment when he is presented to the reader, they were occupied by the mysterious pneumatological speculations of Doctor Von Dunder Profondant, which Carl had been attempting to comprehend in the morning's lecture; whether his fancy was revelling in recollections of the romantic splendours of last night's opera, or whether they were fixed, with painful interest, on the facts of a sudden and secret seizure made that day in Goettingen by the terrible myrmidons of the Inquisition, on the double charge of heresy and sorcery. The frightful tribunal alluded to was then in the plentitude of its power, and its mysterious and ferocious doings were exciting nearly as much indignation as they had long occasioned consternation. Carl was of a very speculative abstract turn, and having been early initiated into the gloomy depths of transcendentalism, had begun latterly to turn his thoughts towards the occult sciences.

---

* The subtle schemes resorted to by the Inquisition for the detection and seizure of its victims even in places remote from the seat of its central authority, and supposed to be far beyond their jurisdiction, are too well known for an intelligent reader to charge any portions of the ensuing narrative with improbability or exaggeration. In a word—all that the wit and power of devils can devise and execute may well-nigh be believed of the members of that horrible institution.

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About the period when this narrative commences, it was generally understood that a professor of the Art Diabolic had visited the principal places of Germany, and was supposed to have made several converts among the learned, as well as to have founded secret schools for teaching the principles of his infernal science. The lynx-eyed Inquisition soon searched him out, and the unfortunate professor of magic suddenly disappeared, without ever again being heard of. The present object of those holy censors of mankind, the principals of the Inquisition, was to discover the schools he had founded, and the disciples attending them. Several of the leading students at Goettingen had fallen under suspicion, and Carl Koëcker, it was said, among the number. He was astute enough, however, to avoid any plausible pretext for offence, by saying little — and even that little he took care should be in disparagement of the detestable doctrines in question.

Carl had just set down his coffee-pot on the hob, after an abortive effort to extract another cup from it, and was stirring together the glowing embers of his fire, when he was startled by a loud knocking at his door. It is not asserted that the sound caused him to change colour, but that he heard it with a little trepidation, is undeniable. Who, on earth, could be wanting *him?*

Rap, rap, rap!—Rap, rap, rap!

Carl gently laid down the poker, but did not move from his seat. He listened—his heart beat quick and hard, it seemed evident that the obstreperous applicant for admission was resolved on effecting his purpose one way or another; for, in a few seconds, the door was shaken, and with some violence. Carl, almost fancying he had been dreaming, started from his seat, and cast an alarmed eye towards the scene of such unseemly interruptions. Ay—the door was really, visibly shaken, and that, too, very impetuously. Who could it be—and what the matter? Was it one of his creditors? He did not owe five pounds in the world. A fellow-student? The hour was too late—and Carl, besides, of such a reserved, unsocial turn, as to have scarce one acquaintance at College on visiting terms. A thief?—*He* would surely effect his entrance more quietly. Were some of his relatives come to Goettingen? was any member of his family ill? was it merely drunken Jans, the janitor?—Who—WHO could it be? thought the startled student.

Rap, rap, rap, rap!—Rap, rap, rap!

Carl almost overthrew the chair he was standing by, snatched up his little lamp, and stole to the door.

"Who is without, there?" he inquired, angrily, but not very firmly, with one hand hesitatingly extended towards the door handle, and the other holding his lamp; the flame of which, by the way, he fancied flickered oddly.

"WHO is without there?" he asked again, for his first question had received no answer.

Rap, rap, rap, rap, rap!—Rap, rap, rap——

"In the name of—hem!—who are you"——

"Who am I?" replied a husky, and somewhat hollow voice, from without. "Who am I, i' faith?—Let me in! Let me in!—Mercy—you could not be more uncivil, or perchance affrighted, if I were Jans Cutpurse, or the Spirit of the Hartz mountains. Let me in, Carl Koëcker, I say—Let me in!"

"Let you in? Der teufel!"

"Come, come—open the door!"

"Who are you? Who are you, I say?" continued Carl, pressing his right hand and knee against the door.

"Let me in at once, Carl Koëcker—let me in, I say—or it may fare fearfully with you!"

"Mein Gott!" exclaimed the confounded student, looking askance at his lamp, as though he expected to find a confidential adviser in it. The knocker, however, recommenced operations, with such astounding rapidity and violence, that Carl, in a momentary fit of fear and confusion, unguardedly opened the door. A tide of objurgatory expressions gushed up to his tongue, when some one suddenly slipped through the door past Carl, made his way to the fire-place, and sat down in the arm-chair which had been recently occupied by the student. This was done with the easy matter-of-fact air of the most intimate acquaintance. Carl Koëcker still held the handle of the door, staring open-eyed and open-mouthed at the stranger with unutterable amazement.

"Good Carl, prithee, now, shut the door—for 'tis bitter cold," exclaimed the unbidden guest, in a familiar tone, dragging his seat close to the fire, and rubbing together his shrivelled fingers to quicken the circulation.

"Come, Carl! shut the door, and sit down here," continued the stranger, entreatingly. Carl, completely bewildered, obeyed, and sat down in a chair opposite the stranger. The latter seemed not unlike a Jew-pedlar. He was small in stature, but of sinewy make. He wore a short coarse drab-coloured coat, or tunic, with double rows of huge horn buttons. His vest was of the same materials and cut; and, as was usual in those days with itinerant venders of valuable articles, he had a broad leathern girdle about his waist, with a pouch on the inside. His short, shrunk, curved legs were enveloped in worsted over-alls, soiled and spattered with muddy walking. Removing a broad-brimmed hat, he disclosed a fine bald head, fringed round the base with a few straggling grey hairs. His face was wrinkled, and of a parchment hue; and his sparkling black eyes peered on the student with an expression of keen and searching inquisitiveness. Carl, in his excitement, almost fancied the stranger's eyes to glare on him with something like a swinish voracity. He shuddered; and was but little more reconciled to the strange figure before him, when a furtive glance had assured him that at least the feet were not cloven!

When he allowed himself to dwell for a few moments on the strange circumstances in which he was placed—alone—near midnight, with nobody knew whom—a thief, a murderer, a wizard,—a disguised satellite of the infernal Inquisition—a devil, for aught he knew;—when, in a word, he gazed at the strange intruder, sitting quietly and silently by the fire, with the air rather of host than guest, and reflected how far he was out of hearing or assistance, if aught of violence human or supernatural should be offered—it was no trifling effort that enabled him to preserve a tolerable show of calmness.

"Heigh-ho!" grunted the old man, in a musing tone, with his eyes fixed on the fire, and his skinny fingers clasped over each knee.

"H——e——m!" muttered Carl, his eyes, as it were, glued to those of his guest.

"Well, Carl," said the stranger, suddenly, as if starting from a reverie; "it grows late, and I must begone ere long, having far to travel, and on pressing errands. So shall we discourse a little touching philosophy, or proceed at once to business?"

"Proceed to business?" echoed Carl, amazedly——

"Yes, I say, proceed to business. Is there anything so *very* odd in that?" inquired the old man, slowly, with a surprised air.

"Business!—*Business!*"——exclaimed Carl, muttering to himself; and he added, in a louder tone, addressing himself to his visitor—"Why, what the dev"——

"Pho, pho, Carl!—we have nothing whatever to do with the devil—at least *I* have not," replied the old man, with an odd leer,—"and in these ticklish times, I should think that the less you have the better. But, with your good leave, Carl, we will settle our business first, and then proceed to discourse on a point of Doctor Von Dunder's lecture of this morning."—So this extraordinary personage had been present at Doctor Von Dunder's that morning—and, further, knew that Carl had!

"Carl," continued the stranger abruptly—"are you still anxious for the bracelet?"

The question suddenly blanched Carl's face, and his eyes seemed starting from their sockets, as he muttered, or rather gasped, in faltering accents—"Devil! devil!

devil! What want you with me? Why are you come hither?" He shook in his seat; for a certain circumstance occasioned a suspicion of the stranger's being an emissary of the Inquisition, to flash across the mind of the affrighted student.

"Who sent you hither?" he reiterated in faltering accents.

"Why, in heaven's name, are you so disturbed, Carl? I am really neither the devil nor one of his minions—having neither wit nor power enough for either," said the stranger, mildly.

"Then are you worse—you are from the INQUISITION—and are sent to ensnare my soul to hell, and my body to tortures horrible!" rejoined Carl, a cold sweat suddenly bedewing his whole frame.

"Why, if it were so, I must surely be bolder than wise, to venture on such odds as are here. I am old and somewhat shaken of strength; you young and lion-like. Which would have the better, think you, in a struggle?" continued the stranger, meekly.

"Why," replied Carl, still shivering with the fearful suspicion—"you speak fairly and reasonably; and let me then as fairly tell you, that whoever you be, if you be but mortal, and wrong me, or attempt me mischief, I will put you to death as calmly and surely as I show you *this*"—and he drew a small poniard from his vest, clasped it fiercely in his hand, and extended the glittering blade to the stranger, who merely crossed his hands on his breast, and looked upwards with an air of innocent resignation.

"Did I not say I was in your power, Carl? And is it probable I shall seek an offence with you?—Would I, an old feeble man"——

"What brought you hither? What made you cause the uproar at my door just now?" inquired Carl, with some show of self-possession.

"Oh, faith—that is easily answered. Business—business! I have much to do with you, and but small time to do it in. Truly your fears are all false! I am, I repeat it, but a man even as you are—with the difference of an odd year or two—ugh! ugh! ugh!" continued the stranger with a feeble asthmatic laugh. "But, to be short. If your heart is still set upon the bracelets — I may, perhaps, put you in the way of obtaining them."

Carl strove to look calm—but the thing was impossible. His colour faded, his heart seemed fluttering about his throat as though it would choke him, and his eyes, as he fancied, emitted coruscations of fire.

"Old man! whoever, whatever you are—I supplicate you to tell me how you know anything about the matter you speak of! How came you to know that I had any care about the—the—the bracelets?"—He could scarce get out the word—"for I have not breathed a syllable about them to any one human!"

"How did I know it? Pho, it might be a long, perchance a dull tale, were I to explain how I came by my knowledge in this matter. Enough that I know your soul gapes to get the bracelets. In a word, I came not here to tell you how I know what I do, but simply to put you in the way of obtaining what you want."

A cold stream of suspicion flowed over Carl's mind while the stranger spoke—and when Carl reverted to the many subtle devices known to be adopted by the Inquisition for entrapping their prey. Still Carl's anxious curiosity prevailed over his fears. The old man, after fumbling awhile about the inner part of his girdle, took out what seemed to Carl a large snuff or tobacco-box. Opening it, he slowly removed two or three layers of fine wool; and then there glistened before the enchanted eyes of the student one of the most resplendent bracelets that had ever issued from the hands of cunning jeweller. He was lost, for a second or two, in speechless ecstacy.

"Oh, rare! oh, exquisite — exquisite bracelet!" — he gasped at length, so absorbed with the splendid bauble that he did not notice the almost wolfish glare with which the old man's eye was fixed on his.—"And may this be MINE? Did you not say you could put it into my power?"

"Ay, Carl, it *may* be yours!" replied the stranger, in a low, earnest tone, still fixedly eyeing his companion's countenance.

"Ay, ay! it may? Name, then, the price! Name your price, old man!" exclaimed Carl, eagerly. Checking himself, however, he added suddenly, in a desponding tone, "But why do I ask its price? Fool that I am, my whole fortune—ay, the fortunes of all our family, would not purchase *one* only of these jewels!"

The more Carl looked at the gorgeous toy, the more was he fascinated. It was studded with gems of such amazing brilliance, as to present the appearance of a circle of delicate violet and orange-hued flame, as the stranger placed it in different points of view. Carl could not remove his eyes from the bracelet.

"Take it into your own hands—it will bear a close scrutiny," said the old man, proffering the box, with its costly contents, to the student, who received it with an eager but trembling hand. As he examined the gems, he discovered one of superior splendour and magnitude; and whilst his eyes were riveted upon it—was it merely his nervous agitation—or, gracious heavens! did it really assume the appearance of a human eye, and of awful expression?

Carl's eyes grew dim, the blood retreated to his heart, and his hands shook violently as he pushed back the box and its mysterious contents to the stranger. Neither spoke for some seconds. The old man gazed at Carl with evident astonishment.

"What—what shall I call you?" murmured Carl, as soon as he had recovered the power of speech. "What means that—that—that damned eye which looks at me from the bracelet? Do your superiors, then, use even sorcery to inveigle their victims?" His teeth chattered. "Away with your damned magic! Out on you! Away—or I shall call for help from without!" And Carl fiercely drew half out his poniard.

"Tut, man," rejoined the stranger, calmly, after listening with patience to Carl's objurgations. "Now, to hear you rave in this wise! You—a man—a scholar! The days of sorcery, methinks, are gone for ever; and as for the INQUISITION that you din into my ears, I myself fear, but more *hate*, that cruel and accursed institution. But what have we to do with it *here?* How are you to be carried off into Spain, good friend, supposing me to have come hither in my strength for such purpose?" This was said slowly and deeply—the speaker's eyes searchingly fixed on those of him he addressed. The student, however, answered not, and the old man resumed.

"'Tis but your own heated fancy that has likened one of these jewels to an EYE—he, he, he!" said he, with a faint attempt at laughter. "What is it that has frightened you but a large diamond? A human eye, i'faith—he, he, he!—But, to away with these womanish fancies, I would know, at once, Carl, as a matter of business, whether you wish to call yourself the owner of this bracelet?"

Carl paused.

"Will you really, then, give me no answer, Carl?"

"Ay—Heaven knows I would fain be its master—for 'tis an enchanting, a dazzling—yet a fearful"——

"Bah!" exclaimed the old man, impatiently.

"Well, then," continued Carl, doubtingly, "since temper fails you, I will to the point. "Suppose, then, I were, in a manner, disposed—I mean—hem!—What I would say, is—in short, if it were to come to pass that I were earnestly desirous (which I am not) of having this bracelet—not for myself, mark me, but for another"——

"To the point, man! To the point!" interrupted the stranger, with anxious asperity.

"Well, I say, if I were disposed to purchase the bracelet, what would be your terms? What must I do? What give?"

"Oh, my terms are most easy and simple—so much so, that you may perchance even laugh at hearing them. Find me but the fellow to this bracelet—and *both* shall be yours."

Carl suddenly became cold and pale. The stranger's peculiar words and manner had roused painful suspicions in the breast of the student—transiently however—that certain doings of his must be intimately known in certain awful quarters; and that the stranger's plan was but a subtle trap for making him develop them. This feeling gradually yielded to one of sheer astonishment, as the stranger repeated his terms, in a significant tone, and with great earnestness of manner.

"I—*I*, Carl Koëcker—find you the fellow to this bracelet!" exclaimed the student. "Surely you must be mad, or mocking me."

"Whether I be mad or not, concerns you little, so as I can make good my promise. You have my terms—you may make the bargain, if you have but a little spirit!"

"Will you give me till to-morrow night to consider whether I will accept them?" inquired Carl, after a long and puzzled pause.

"No," replied the stranger, imperatively.

"Hem!" exclaimed Carl, suddenly; "so you have but *one* bracelet. How came you by it?—You know, old man, that if I buy it, I must be satisfied that I can keep it."

"Keep your questions to yourself. Enough for you that I *have* it," replied the stranger, sternly.

"Another question, nevertheless, I must put. Where is the other bracelet?"

"It must be sought for," replied the old man, gloomily, placing his broad-brimmed hat on his head, as if to overshadow his eyes—"and it is worthy the search, though a prince were the seeker. He, moreover, who shall have this, has a clue infallible to the discovery of the other."

"Then why not search for it yourself?" inquired Carl, quickly. A flush overspread the stranger's face, and he seemed, for a moment, somewhat confused.

"You are sent hither by the Inquisition," said Carl, with a cold shudder, at the same time plunging his right hand into his bosom, in search of his poniard—half resolved to take summary vengeance on the daring and perfidious spy. He controlled himself, however, and repeated his question in a calmer tone.

"Why do not *you* seek for the fellow-bracelet, old man?"

"I may not, Carl. That must be sufficient for you. *You* need not enter on the search—you need not take this bracelet; but if you *will* venture, and should succeed, 'twill be the greatest day's work you ever did. It will bring you riches and honour; and, above all, you shall see both these beautiful trinkets glistening on the white arm of her"——

"Hold! I madden! Speak not!" gasped Carl, springing with sudden emotion from his chair—pressing his hands against his forehead, and gazing fixedly on the bracelet, which the stranger still held in his hands.

"'Tis an overwhelming thought truly! It is!—but—but—*I* find the fellow to this bracelet?" he continued, with a bewildered air, "where, in Heaven's name, am I to search for it?"

"Where you can, and where you dare," replied the stranger, with a significant emphasis, which greatly impressed Carl.

"And how long shall I have to try my fortune?—Tut!—'tis an idle—a mad question truly, a foolish scheme; but, supposing—in a word, how long will you give me?"

"Two days from this time; and on the third, I will come and see you again."

"Alone?" inquired Carl, with a searching glance.

"Yes—alone," replied the stranger, pointedly.

"And can you give me no clue, whatever?—None?"

"No, assuredly; else the merit of your search would fail. You will not be long in finding one, if you do but set about the search heartily.—Ah, Carl, Carl," he added, suddenly, with as much gaiety as his extraordinary features could assume, "you have a white hand, and a small wrist!" Carl glanced at them complacently. "I wonder, now, whether it were small enough for this bracelet?—Try it on, man—try it on!—Your wrist, I think, is but a trifle larger than hers"——The last word brought the blood into Carl's face, even to his temples—and a tempest to his soul. Scarce knowing what he did, he took the glittering bracelet, and with a little difficulty, clasped it about his wrist.

"Ah, ha!—How wondrous well it suits you! In truth, it might have been made for you! Your wrist might have been a lady's!" said the old man, laughing; and, rising from his seat, he scrutinized the bracelet narrowly, and adjusted it more nicely. "And now, Carl Koëcker—see you part not with it, in your search! Farewell, Carl!" The stranger stepped towards the door.

"Stay — stay, old man!" exclaimed the student, amazedly. "Whither are you going? Ha—ha, der teufel!" he continued, almost leaping from the floor with sudden fright—Why, thou fiend! I cannot remove the bracelet! It clings to my wrist like adamant!—It will cut my hand off! Ah—ah—it is cutting to the bone," he groaned. He strove violently to wrench it off. "Take it off! Take it off!—I cannot move it! Help, help!—dear, good old man, for mercy's sake"—— But his visitor was opening the chamber-door, anxious to be gone. Carl followed him, making frantic efforts to dislodge the bracelet from his wrist, which experienced a fearful sense of compression.

"Good sir! Kind old man—whoever you are, where-ever you come from—whatever your errand, even be it from the horrible Inquisition—for God's love, help me to remove this bracelet!—Oh"—he groaned, "will you not take it off?"

"Off?—never!" shouted the old man, with an unearthly laugh, and an eye of dreadful derision. The student dropped his hands, fell back aghast a pace or two, and stared at the stranger, with eyes that seemed bursting from their sockets. The perspiration started from every pore.

"Never—oh, *never*—did you say?" gasped Carl, renewing his desperate efforts to remove the bracelet. He grew desperate. "Villain! fiend! You have played a hell-trick against me! Will you yet say *never?*"

"Ay—*never*, till you find its fellow," replied the old man, pointing his shrivelled finger at the student.

"Accursed wretch! Deceiving devil! Then will we struggle for it. Ho, have at you," almost shrieked Carl, springing forward to grapple with his tormentor; who, however, at that moment slipped through the open door, shutting it in Carl's face; and as the old man went rapidly down stairs, Carl heard him exclaiming in tones—fainter and fainter as the distance increased—"Never, Carl; never, never!"

Carl staggered stupified to a seat, and sat for some moments the image of despair. He would have rushed out after the old man, but that a deadly faintness seized him. He could not bring his scattered senses to bear for an instant on any one point of the preceding interview. He felt like a man suddenly roused at midnight from a frightful dream. Had he been asleep and dreaming? Alas, no! There was fearful evidence, palpable and visible, of waking reality. His eye happened to alight on the bracelet glistening with now abhorred splendour on his wrist. With frantic effort he once more strove to disengage it, but in vain. He could not move it; it seemed to have become imbedded in his flesh! He rose from his chair, and paced his room in an ecstacy of alternate fear and fury. What had come to him? Was he under the spell of witchcraft? Was he the sport of diabolical agency? Or, worse than either—the sealed victim of the Inquisition? Had they sent their emissary to probe him, and leave this cunningly framed bracelet as an irremovable evidence of their man—even as sheep are marked for the slaughter? As this latter suspicion flashed across his mind with increasing probability, he sunk in his chair, overwhelmed with anguish and horror; and from his chair to the floor. What was to become of him? What could he do? Whither was he to fly? How ascertain the criminatory extent of the information on which they acted. He knew not. He closed his eyes, for everything about him seemed turning round, and assuming grotesque images and positions. After lying for some minutes on the floor, he suddenly sprung to his feet, convinced that the extraordinary occurrences of the evening could have no other foundation than fancy—that he must have been suffering from the nightmare. He stepped into his sleeping-room, and plunged his head and face into a bowl of cold spring water. The shock for a few moments revived and recalled his wandering faculties; but in wiping his face, the accursed bracelet scratched his cheek—the delusions of hope vanished in an instant, and flinging aside his towel, he rushed from the room in despair. The silence and solitude of his apartment had become intolerable. Whither should he go, that the Inquisition hounds could not follow, find, and seize him. He began to imagine that they had pressed the arts of sorcery into their assistance. He felt, in a word, that his fears were maddening him. He could bear his rooms no longer: so putting his cap on his head, and throwing a cloak over his shoulders, he went out, hoping to see, or at least hear tidings of, his dreadful visitor.

The night, far advanced, was cold and gloomy—the winds blew chilly, and the snow was fluttering fast. He spoke to one or two of the drowsy shivering watch, and asked whether they had seen any one answering to the description of his visitor. One of them told him with a yawn, that only a quarter of an hour before, he had seen an old man pass by, that stooped, and wore, he thought, a broad hat and drab coat; that he walked at a great rate down the main street, *followed by two men in dark dresses!* Carl fell into the arms of the watchman, deprived of sense and motion. The last clause of the man's intelligence had confirmed his worst fears—THE INQUISITION WERE AFTER HIM!

After a while, the attentions of the humane night-guardian, backed by a little spiced ale which he carried in a leathern bottle, sufficed to revive Carl, who was able, soon after, to proceed, after giving the watchman some small coin. What was Carl now to do? To return to his rooms was impossible. He hurried on through the street, why, or whither, he knew not. He felt a sort of drowsiness or stupor creeping over him. Suddenly he nearly overthrew what proved to be a female figure muffled in a long dark dress. His hair stood on end—for, at the first moment, he mistook her figure for that of one of the "men in dark dresses," spoken of by the watchman—of the familiars of the Inquisition. While recoiling shudderingly from her, he fancied he heard himself addressed—"Follow!" said the low hurried voice of a woman—"Follow me, and be silent. You have been expected this half-hour. 'Tis foolish—'tis cruel thus to delay!"

"I—I *expected?*—gasped the staggering student—"Why, do you know me?"

"Know you?—why, Carl Koëcker, of course," replied the female; adding in a low imploring tone—"Oh, follow—for Heaven's sake, follow instantly, or all will be lost!"

"Lost!—why, am not *I*, rather, lost? In God's name, whither would you lead me? Are *you* in league with that old" —— Carl was interrupted by his companion whispering hurriedly—"Hush! the good folks of Goettingen will hear you!"

She had scarce uttered the last words, before Carl thought he heard the faint echo of many voices at some distance, from behind—and which seemed, as they grew nearer, to be loud and tumultuous. He suddenly turned towards the quarter whence came the sounds of distant uproar, when he beheld several torches gleaming dimly far off, and held by persons hurrying to and fro in all directions. The sounds approached, and as they became more distinct, were evidently those of alarm.

"What in God's name is stirring now?" inquired Carl of the female he was accompanying. "Can you tell me wherefore is all that uproar?" Her spectral stare almost froze Carl's blood, as she answered in a low quick tone—"Ah—do not YOU know, Carl Koëcker?—a deed of blood and horror"—— She was interrupted by the startling clangour of the alarm-bell, pealing with prodigious rapidity and violence. Carl shuddered—and well he might. What is capable of inspiring more thrilling terror than the gloomy toll of a church-bell, heard with sudden loudness at midnight?

The whole town of Goettingen was roused. Carl listened: his hair stood on end, his knees tottered, his brain reeled—for the cries were those of murder and revenge: and amid all the tumult of the voices, and the sudden but rapid tolling of the bell, Carl distinctly heard—his own name! Half stunned with the thought, he listened—he strained his ear to take in every sound that sought it. "Carl Koëcker" was the name uttered by a hundred tongues; and Carl Koëcker was sought after as a murderer. He would have shouted in answer—he would have discovered himself, conscious of his innocence—but he felt a suffocating pressure about his throat, and his heart seemed likely to burst through his side. Strange lights flashed before his eyes, and his knees seemed about to refuse him any longer their support, when his unknown companion suddenly grasped his hand between her cold fingers, whispering—"Carl, Carl, you must hasten! Fly! fly! You will fall into their hands! They are yelling for you! They are as tigers drunk with blood!"

"I care not! I am innocent! I have done no crime! Why, then, should I fly? No, I will stay, with God's help, till they come up," murmured the fainting student. Meanwhile the clamour of voices grew nearer and louder. Innumerable torches flitted to and fro, casting a discoloured glare over the dusky atmosphere.

"Haste, Carl! — Haste, murderer, haste! haste!" muttered the woman by his side—"Justice flieth quickly after her victims!"

"Wretch! what are you saying?" stammered Carl, beginning to suspect himself the victim of diabolical villany. He tried to grasp his companion by the arm—but his hand was powerless. A sudden recollection of the stranger who had given him the bracelet, and of the mysterious circumstances attending the transaction, flashed with fearful vividness before his mind.

"Woman, woman!" he faltered, "*Who* is murdered? Is it—is it"——

"Fly, fool! Fly, fly, fly!—The familiars are near at hand! The blighting brand of the Inquisition will discover"——

"The *what*—what!" groaned Carl, his eyes darkening for an instant, and his voice choked.

"Only thou fly, fly!"—continued the woman, hurrying him forward. The crowd of torch-bearers seemed now at but a little distance; and Carl, overwhelmed and bewildered,—his consciousness of innocence drowned in the apprehension of pressing danger—needed but little urging to step into a vehicle standing at the corner of a street they had just entered. He scarce knew what he was doing. Immediately on his sitting down, the door was closed, and away shot the vehicle, rolling as rapidly as four fleet horses could carry it.

Carl found himself alone in the coach—if such it was—for his conductor had suddenly and most unexpectedly disappeared. The utter extremity of fright, amazement, and perplexity, is too feeble a term to convey anything like an adequate idea of the state of Carl Koëcker's feelings, when thus, after such an astounding series of events, hurried away no one knew how, why, or whither.

Visions of inquisitorial horrors flitted through his perturbed mind. To what scenes of ghastly—of hopeless misery was he now, perchance, being hurried? He sank back on the seat, and swooned. How long he had continued insensible he knew not. When he recovered he found himself rattling onward at a prodigious rate, and amid profound darkness: he stretched his hand out of the window of the vehicle, and the snow fell fast and thick upon it. He listened, but heard no sound, except the rapid and regular tramp of horses' hoofs, and the rustling of the branches, against which the roof of the vehicle brushed in passing. He could not hear the voices of either driver or attendants. In a sudden fit of frenzy, he threw down one of the windows, pushed out his head, and roared for rescue—but his cries were unattended to. He then strove to force open the door, that he might leap out, though at the hazard of his life; but his utmost efforts were useless. He tried if the window-spaces were large enough to admit of escape—but they were too small to admit of a child's exit. What was to become of him? After again and again trying to force open the doors, he wearied himself, and fell at full length on the seat, sullenly resigned to his fate, under the conviction that he was either in the toils of the Inquisition, or the hands of thieves and murderers. But what could the latter want with a poor student? For the former suspicion, his quaking heart could readily assign grounds!

He lay in a state of stupor, till the sudden stoppage of the vehicle almost jerked him from his seat, and sufficiently roused him to perceive that the carriage was standing before the gates of a magnificent building. Where he was, or how long his journey had lasted, he had no idea; and unutterable, therefore, was his astonishment to behold the altered aspect of nature. The time appeared about two or three o'clock in the morning. The gloom and inclemency of the former part of the night had entirely disappeared. The scenery, at which he glanced hastily, seemed of a totally different class from that which he had been accustomed to behold. The glorious gilding of the full moon lay on every object—alike on the snowy shroud glistening over endless plains and hills—as on the quarried clouds lying piled irregularly, one above the other, in snowy strata along the sky. Their edges seemed all melting into golden light.

The building before which the carriage had drawn up, seemed a vast grey mass of irregular structure, the prevailing character of which was Gothic. Whether, however, it were a castle, a palace, a prison, a nunnery, or a monastery, Carl's hurried glance could not distinguish. He had scarce time to scan its outline, before the carriage-door was opened, by (as Carl observed) removing *a large bar* from across the outside, and a string of attendants, habited in somewhat of military costume, stood ready to conduct the solitary visitor to the interior of the building. After a moment's pause of stupified irresolution—uncertain whether or not to make a desperate attempt at escape—he alighted, and followed the chief of the attendants towards the interior of the building. Every step he took within the splendid, though antique structure, convinced him that he had entered a regal residence. He paced along seemingly endless galleries and corridors, with the passive, or rather submissive air of a man led along guarded prison-passages to execution. He was at length ushered into a large tapestried apartment, in the centre of which was spread a supper-table, sinking beneath a costly service of gold and silver. Scarce knowing whether or not —in the vulgar phrase—his head or heels were uppermost, Carl sat himself down mechanically at the table; and the obsequious attendants instantly removed the covers of several dishes. When Carl saw the expensive dainties spread before him, and the magnificent plate which contained them, and marked the solemn and anxious deference paid him by the servants, he felt convinced that through some inexplicable blunder, he had been mistaken for an expected visitor of the highest distinction. The tumultuous and terrifying scenes which had ushered in his journey, were for a while obscured from his recollection. Carl found it impossible to partake of the exquisite fare before him. He contrived, however, to quaff an ample cup of rich wine, which soon revived his torpid faculties. He turned towards the silent servants, stationed at due distances from him, and inquired, in a stern tone, what they were going to do with him,— "whether they knew who he was?" A respectful obeisance was the only answer. "That he was Carl Koëcker—a student of Goettingen University?" A second and lower bow. A third time he repeated his question, but the only answer he could obtain was a brief intimation, couched in the most deferential terms, that "Her Highness" was waiting his appearance in the audience-room. Carl clasped his hands over his forehead, lost in wonder and despair.

"Who—who, in Heaven's name, is 'Her Highness?'" he inquired.

"She has been long expecting your arrival with anxiety," replied one of the servants, apparently in nowise surprised at the disorder of their youthful guest.

"Waiting—and for my arrival?—Impossible!—You are all wrong, fellows! I am not he whom you suppose me! I am mistaken for some one else—and *he* can be no one of importance, seeing I, through being mistaken for *him*, was kidnapped away! Harkee, sirrahs — do you understand?" The servants looked at one another in silence, and without a smile. "Do you know who I am?" continued Carl in a louder key—but in vain; he received no answer. The servants seemed to have been tutored.

"Alas!" resumed Carl, in a low tone, "I ask you who I am, when I verily know not, myself!—Aha! Who am I? Where?—Why here?—Answer! Tell me! Speak there!" continued Carl, resolutely, relying on the wine he had taken, and which he felt supplying him with confidence. "Once more, I say—Who am I?" he repeated.

"*That*, we suppose, your Highness best knows — but our duty is to wait and conduct you into her Highness's presence," was the only answer he received, delivered in the same steadfast respectfulness of tone and manner.

"Where will all this mummery end?" thought Carl, pouring out, mechanically, another cup of wine. The thought suddenly struck him, and the more he entertained it, the more probable it appeared — that, after all, the whole of his evening's adventures might be the contrivance of one of those celebrated and systematic hoaxers, of whom, in Italy, the illustrious Lorenzo was chief. Every occurrence of the evening seemed easily explicable on this hypothesis—but one; the general uproar in the streets of Goettingen at the period of his leaving. *That* savoured too strongly of serious reality to be part of a *hoax!*—While he was turning about these thoughts in his mind, one of the servants opened a door, and stood by it, as if hinting that Carl was expected to rise from table and follow. Resolved patiently to await the issue, he rose, and walked towards the door. He was conducted up an ample staircase, leading to a lofty hall, supported by marble pillars. After traversing it in silence, his conductors opened a pair of large folding-doors, and ushered Carl through them—gently closed the high doors upon him, and retired. Carl now found himself in an apartment equally magnificent with the one he had left. Here, however, there was not—as in the other—artificial light; but the room was, so to speak, flooded with a radiant tide of moonlight. Everything about him, to Carl's disturbed apprehension, wore the air of mystery and romance. The silence of the sepulchre was there, and it oppressed him. He dared hardly draw his breath, fearful of its being audible. He was reluctant to move from the spot where he had first stood, lest he should dissipate the nameless charm of the chamber, or encounter some unwelcome and startling spectacle. Whichever way he looked, there was a dim and dreary splendour which transcended the creations of poetry. Almost the whole extent of the farther extremity of the chamber consisted of a large Gothic-fashioned window, with a door in the centre of it, opening upon a narrow slip of shrubbery or terrace. The prospect through this window was most glorious. The moon was still

"Riding at her highest noon,"

like a bright bark over a sea of sapphire, scattering her splendour over streams glittering like veins of silver amid a noble extent of champaign country; and rendering visible, in the distance, hoary structures of prodigious extent, relieved against a background of profound forest shade. A little to the right lay a lake of liquid silver! But the most marvellous circumstance of the whole, was the disappearance of the snow he had so lately seen. Was it possible—thought Carl, pressing his hands to his forehead—that he had slept through an interval of twenty-four hours since he saw the snow? Had he taken drugged draughts at supper, and but now awoke, unconscious of the interval that had elapsed? This extraordinary absence of snow was, as already said, the first or chief thing observed by Carl, hurried as was his glance; but ere long a very different object, within the chamber, arrested his attention, absorbing every faculty in mute astonishment and admiration. At the upper extremity of the chamber the resplendent moonbeams fell on the figure of a lady white as snow, reclining on a couch, with her head supported by her arm. Never before had Carl beheld, even in dreams, a vision of such dazzling beauty. So perfectly symmetrical were her features, so delicately moulded was her figure, so gracefully negligent her attitude, and so motionless withal, that Carl, as he glided slowly towards her, his eyes and hands elevated with rapturous astonishment, began to suspect he was mocked by some surpassing specimen of the statuary's art. As he drew nearer, he perceived that the lady was asleep — at least her head drooped a little, and her eyes were closed. He stood within a few paces of her. He had never before seen features so perfectly beautiful. Her brow wore the pure hue of alabaster; her eyebrows were most delicately pencilled and shaded off; her nose, of soft Grecian outline, was exquisitely chiselled; and her small closed lips seemed like a bursting rose-bud. The lilied fingers of the little hand supporting her head, peeped out in rich contrast from among her black tresses; while her right hand lay concealed beneath the folds of a long rich veil. What with gazing on the lovely recumbent, and the generous potency of the wine he had been drinking, Carl felt himself, as it were, under quite a new influence. Fear and doubt had passed away. He fell softly on his knees before the beautiful unknown. Her features moved not.

Now, thought Carl, was she inanimate — a cunning piece of wax-work, and were the contrivers of the hoax, if such it were, watching him from secret parts of the room, to enjoy his doings?

He imagined, however, after steadfastly eyeing her, that he perceived a slow heaving of the bosom, as though she strove to conceal the breath she drew. Intoxicated with his feelings, Carl could continue silent no longer.

"Oh, lady, if mortal you be—oh, lady, I die at your feet!" he stammered with a fluttering heart.

"Carl, where have you been? You cannot—no, you cannot love me, or you would not have delayed so long!" replied the lady, in a gentle tone, and with a glance "fuller of speech unto the heart than aught utterable by man." What dazzling eyes were fixed upon the sinking student!

"I would to Heaven," he stammered, "I might believe you—loved me; but—but—lady"——

"*But* what?—Ah, Carl! Do you—after all that I have suffered and risked for you, doubt me?" inquired the lady, gazing at him with an eye of anxious tenderness. Carl's tongue refused him utterance for some moments, and he trembled from head to foot.

"How, fair one, can you say that you love one whom you know not? *Me* you know not"——

"*Not know you!*—Oh, Carl, Carl!" and she looked at him with a tender maddening smile. The student stared at her in silence.

"Lady," at length he gasped, "I am bewildered! I know not where I am, nor how I came hither! Yet, blessed be Heaven, that I have thus seen you. I could die with your image in my eye! It would pass me to heaven! Oh, forgive me, lady, knowing that I rave! Your beauty maddens me! I sink—I die beneath it! I know not, nor can control, what my tongue utters! The only thing I know is, that I am unworthy of you"—— He paused, dropping his head upon his bosom.

"Then, Carl," said she sweetly, "is my love for you the greater, seeing it can overlook all unworthiness! But, dear Carl, why speak I thus? You are not unworthy—no, no! You are of great wit—graceful, noble—in a word, I"——

"Speak, lady!—speak, speak! Delay not! I faint—I die!" murmured the impassioned student.

"Well, I love you Carl! I have long loved you, since first my eye fell on you. Pardon the scheme"——

Here the lady became inarticulate with agitation. A long pause of mutual trepidation and embarrassment ensued. Each cast but furtive glances at the other; the conscious colour went and came alternately, in the cheeks of both.

Carl, still bending on his knee, gently strove to disentangle the hand which lay concealed beneath the folds of her veil. He succeeded, feeble as was the force he used; but the hand was still enveloped in the folds of a long white glove.

"May I not kiss these fair fingers but through a glove?" inquired Carl, fondly, and with returning self-possession.

"Why, you are truly of a sudden grown chivalrous as a knight of old," replied the lady, in a tone of subdued gaiety; but since such is your ambitious fancy, why should I refuse you so small a favour, who can refuse you nothing? So, here is my *right* hand, Sir Knight. What wouldst thou?"

She disengaged the hand on which her head had been leaning, and gave it to Carl, who smothered the taper fingers with kisses. Infatuated with sudden unaccountable passion, Carl, in a sort of frenzy, started from his knee, threw his arm around the sylph-like figure of the lady, and imprinted a long, clinging, half-returned kiss upon her soft lips!

He had neither time nor inclination to reflect on what he was doing—on the insane freedom of his behaviour to a lady evidently of the highest consideration, with whom he had had—and that in the most unsatisfactory and mysterious manner—only a few minutes' acquaintance. In vain did he strive to calm and settle his unsteady faculties, or sober himself into a consciousness of his real situation—of how he came thither—and how had come to pass the astounding events of the evening. He forgot all his harrowing suspicions of inquisitorial devilry; he thought no more of the possibility that his frantic feats were the subjects of suppressed laughter to invisible hoaxers! Everything merged into his intense consciousness of present pleasure. He yielded to the irresistible impulse of his feelings, blind and indifferent to consequences.

"'Tis all owing to the wine I drank in the supper-room!" thought Carl; but, alas, how little did he know of the important events with which he had got extraordinarily implicated; of the profound and subtle influence which was at work preparing for him scenes of future change and suffering!

A few minutes' time beheld Carl pacing slowly up and down the spacious chamber, supporting his beautiful and mysterious companion, watching with ecstasy her graceful motions, and pouring into her ear the impassioned accents of love; not, however, without an occasional flightiness of manner, which he could neither check nor disguise. When he listened to the dulcet melody of her voice, which fell on his ear like the breathings of an Æolian harp; when he observed her dove-like eyes fixed fondly upon him; and felt the faint throbbings of her heart against the hand that supported her, he almost lost all consciousness of treading among the lower realities of life.

Whilst Carl was thus delightfully occupied, his companion suddenly turned aside her head, and to Carl's amazement and alarm, burst into a flood of tears. Burying her face in the folds of her veil, she began to weep bitterly.

"For mercy's sake, dear lady, tell me what ails you!" inquired the confounded student. He repeated his question; but in vain. His reiterated inquiries called forth no other answer than sobs and tears.

"Lady! dear, beloved lady—why are you bent on breaking my heart? Have I then so soon grown unworthy in your eyes?" again inquired Carl, a little relaxing the arm that supported her, as though grieved and mortified at her reserve.

Oh, Carl, Carl! Indeed you are most worthy of my love, of all my confidence; but you cannot help me! No, no—I am undone! Lost, lost, lost for ever!" replied the lady, in heart-breaking accents.

Carl begged, entreated, implored to be made acquainted with the cause of her agitation, but in vain. By a process which can be easier conceived than explained, commiseration was freezing fast into something like downright anger.

"Lady, if you think me thus unworthy to share your grief—to be apprized of its source—that so I may acquit *myself*, I—I—I cannot stay to see you in sufferings I may not alleviate! I must—yes, I must leave you, lady —if it even break my heart!" said Carl, with as much firmness as he could muster. She turned towards him an eye that instantly melted away all his displeasure—a soft blue eye glistening through the dews of sorrow—and swooned in his arms.

Was ever mortal so situated as Carl, at that agitating moment? Inexpressibly shocked, he bore his lovely but insensible burden to the window; and thinking fresh air might revive her, he carried her through the door, which opened on the narrow terrace as before mentioned. While supporting her in his arms, and against his shaking knees, and parting her luxuriant hair from her damp forehead, he unconsciously dropped a tear upon her pallid features. She revived, and presently smiled with sad sweetness on her agitated supporter, with slowly returning consciousness, and passed her soft fingers gently over his forehead. As soon as her strength returned, Carl led her gently a few paces to and fro on the terrace, thinking the exercise might fully restore her. The terrace overlooked, at a great height, an extensive and beautifully disposed garden; and both Carl and his mysterious companion paused a few moments to view a fountain underneath, which threw out its clear waters in the moonlight, like sparkling showers of crystal. How tranquil and beautiful was all before them! While Carl's eye was passing rapidly over the various objects before him, he perceived his companion suddenly start. Concern and agitation were again visible in her features. She seemed on the point of bursting a second time into tears, when Carl, once more, with affectionate earnestness, besought her to keep him no longer in torturing suspense, but acquaint him with the source of her sorrows.

"Lady, once more I implore you to tell me whence all this agony?" She eyed him steadfastly and mournfully, and replied, "A loss, dear Carl—a fearful—an irreparable loss."

"In the name of mercy, lady, what loss can merit such dreadful names?" inquired the student, shocked at the solemnity of her manner, and the ashy hue which her countenance had assumed. She trembled, and continued silent. Carl's eyes were more eloquent than his lips. Seeing them fixed on her with intense curiosity and excitement, she proceeded:

"It is a loss, Carl, the effects of which scarce befits mortal lips to tell. It were little to say, that unless it be recovered, a crowned head must be brought low!" She shuddered from head to foot. Carl's blood began to trickle coldly through his veins, and he stood gazing at his companion with terrified anxiety.

"Carl!" continued the lady, in a scarcely audible murmur, "I have been told to-day—how shall I breathe it!—by one from the grave, that YOU were destined to restore to me what I have lost—that you were Heaven's chosen instrument—*that you alone, of other men, had rightly studied the laws of spiritual being*—could command the services of EVIL SPIRITS," she continued, fixing such an awful eye upon him, that it palsied his soul.

"Lady, pardon me for saying it is false, if it has been so slanderously reported to you of me; ay, false as the lips of Satan! I know nought of spirits—nought of hereafter, but through the blessed Bible," replied Carl, in hurried accents, a cold perspiration suddenly bedewing him from head to foot. His feelings began to revolt—to recoil from his companion—whom he could not help suddenly likening to the beautiful serpent that beguiled Eve; but she twined her arms closely around him, and almost groaned in heart-moving accents, "Oh, Carl, Carl! that I might but tell you what I have heard of you, or rather what I KNOW of you!"

There had been something terrible in her demeanour, latterly. She seemed speaking as if of set purpose, and her eye was ever alive, probing Carl's soul to see the effect of what she uttered: so, at least, thought Carl. All his apprehensions about the hideous Inquisition revived, and with tenfold force. Was this subtle and beautiful being one of THEIR creatures?—a fiend, cunningly tutored to extract his soul's secret, and then betray him into the fiery grasp of torture and death?

It was long before he could speak to her. At length he exclaimed, "For mercy's sake, lady, tell me what frightful meaning lurks beneath what you say? What is your loss? What do you know, or have heard, of ME? Tell me, though I die!"

"Can you, then, bear a secret to the grave, unspoken?" she inquired, gazing at him with an expression of melancholy and mysterious awe.

"*Did Thurialma appear again?*"

The student gave a horrible start, turned ghastly pale, and almost dropped her from his arms.

"I know not what your words mean," he stammered, almost swooning. His companion's eye was fixed on him with well-nigh petrifying effect.

"Carl," said she, in a low tone, "I am about to tell you the source of my sorrows—that is, my loss. There is none near to overhear us?" she inquired faintly, without removing her eyes from Carl's.

"None! none!" murmured the student, a mist clouding his eyes; for, at the moment of his companion's uttering the words last mentioned, he had distinctly seen a human face peering over the edge of the lofty terrace.

He shook like an aspen-leaf, shivering under the midnight wind.

"What have you lost?" he inquired.

"The fellow to THIS," replied the lady, drawing off the glove from her left hand, and disclosing a bracelet, the very counterpart of that in Carl's possession. His brain reeled;—he felt choked.

"What—what of him—that—hath its fellow?" He faltered, sinking on one knee, unable to sustain the burden of his companion.

"He is either a sorcerer, a prince, or a murderer!" replied the lady, in a hollow broken tone.

Carl slowly bared his shaking arm, and disclosed the bracelet gleaming on his wrist. He felt that in another moment he must sink senseless to the earth; but the lady, after glaring at the bracelet, with a half-suppressed shriek, and an expanding eye of glassy horror, suddenly sprung from him, and fell headlong over the terrace, at the very edge of which they had been standing.

"Ha—accursed, thrice accursed traitor!" yelled a voice close behind him, followed by a peal of hideous laughter. He turned staggeringly towards the quarter from which the sounds came, and beheld the old man who had given him the bracelet, and now stood close at his elbow, glaring at him with the eye of a demon, his hands stretched out, his fingers curved like the cruel claws of a tiger, and his feet planted in the earth as if with convulsive effort.

"Thrice accursed wretch!" repeated the old man, in a voice of thunder, "what have you done? Did not her Highness tell you who you were?"

"Tell me!—what?"

The old man suddenly clasped Carl by the wrist covered with the bracelet; his features dilated with fiendish fury; his eyes, full of horrible lustre, glanced from Carl to the precipice, and from the precipice to Carl.

"Tell me!—what?" again gasped the student, half dead with fright, striving in vain to recede from the edge of the terrace. The hand with which the old man clasped Carl's wrist, quivered with fierce emotion.

"Tell me"—— once more murmured Carl—"What did she say?"

"Bah!" roared his tormentor, at the same time letting go Carl's wrist, and, slipping over the edge of the terrace, he was out of sight in an instant—leaving Carl Koëcker BROAD AWAKE, and in darkness, for, with his horrified start, he had broken his lamp, and overthrown both chair and table. His fire had gone out to the last cinder, and a ray or two of misty twilight, struggling through the crevices of the window shutters, served to show him how long he had been DREAMING.

He groped his way to bed, shivering with cold, and execrating the opera which he had recently witnessed, whose ill-assorted recollections, with other passing fancies, had been moulded into so singular and distressing a DREAM.

January 1832.

MY FIRST CIRCUIT:

LAW AND FACTS FROM THE NORTH.

IN A LETTER TO CHRISTOPHER NORTH, ESQ., FROM AN OLD CONTRIBUTOR.*

* * * The next moment I was enclosed in the hackney-coach, opposite the large portmanteau which contained my little *all.* 'Twas a truly miserable vehicle, and the sight of the skinny feeble horses made one's heart ache. "Where shall I drive to, sir?" inquired a husky voice out of a heap of old clothes from the coach-box. The Jarvey was a small spare fellow, with a thin face, and sharp watery eyes, and keen red nose—he looked as if he had been drinking gin all night. "Where to, sir?" he repeated. "Oh—Plowden Buildings, in the Temple, to take up a gentleman and his servant: and heark'ee—make haste, for Heaven's sake!—'tis a quarter past nine already, and we must be at the Swan with Two Necks by ten o'clock exactly. D'ye think we can do it easily?" "Oh, yes, sir—but ye see, we han't a hap'orth o' time to lose. Go it, ye cripples—go it!" he added, addressing his horses, at the same time tenderly recommending his suggestions to their attention by sundry blows upon their bony flanks—and off we rumbled from the door. Ah me, how nervous I became! for we could not be going at a less rate than half a mile an hour; and imagine a stoppage in some of those infernal sinuosities leading from

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* Only such portions of this paper are given as seem likely to amuse and interest general readers.

Cheapside to the coach-office; or even a break down! with an eye to the avoidance of which latter mishap doubtless it was that Jarvey went the gingerly pace he did — and which kept me in a fever of apprehension. Then there were my friend Q. and his servant, with Heaven knows how much luggage, to be got into and upon the rickety fabric! Q., however, was (for once in his life) ready and waiting for us—and in a very short time we drove off, having exactly nineteen minutes in which to go from almost the extremity of the Temple to Lad Lane by ten o'clock. Oh! Christopher, why will mortals push off everything to the eleventh hour? Why do they take so little care to set out on a journey calmly and comfortably—loving rather to pass the precedent hour in a stew and perspiration—curses rising momentarily to their lips from a soul boiling over with irritability? Woe was me! Up Fleet Street and Ludgate Hill we positively *crawled.* When we reached St Paul's it wanted ten minutes to ten o'clock. Good; but we had to go round St Paul's Churchyard — and I did not know in what part of Cheapside Lad Lane was; and our horses seemed, through mere exhaustion, to be slackening even the sorrowful pace at which they had hitherto gone. The line of somebody on the death of somebody—

> "The weary wheels of life at length stood still"—

was present to my mind every moment. Q. and I made many good resolutions — as we kept our eyes on our watches, and popped our heads out of the windows every half-minute to see whether the road was clear — that we would never run so near the wind again. We got into Cheapside, however, duly; — there we were only once interrupted for about half a minute; and just as our watches showed four minutes to ten, we turned down a very narrow street on the left hand side, leading down directly to the coach-office. When we had got about three quarters down this street, we were stopped by two large and most enormously-laden carts, standing one on each side—and how to get on we knew not. In vain our little Jarvey squeaked out curses against the lubberly carters, who listened with a contemptuously indifferent air, and deigned no reply. In an agony I opened the coach door, jumped out, and ran down to the coach-office to tell the people where we were. It was much farther down than I had suspected; I rushed breathless into the yard.

"Does not the *Estafette* Birmingham coach start from this place?" I inquired eagerly of a man lazily slashing water over the mud-bespattered wheels of a mail-coach.

"Yes, it does; but it's off this ten minutes and more."

"Off!"

"Yes, sir."

"What!—GONE!"

"Yes—starts werry punctual indeed—at a quarter to ten, and doesn't stop no time for nobody, never, sir!" *Obstupui!*

"Do you really mean that the coach is gone?"

"Yes"—slap went another pailful over the wheels of the mail-coach.

"Why, the people told me when the places were taken, that the time was ten o'clock exactly."

"Did they, indeed, sir? Then they was quite wrong, sir, and no mistake," he replied, phlegmatically.

"Good heavens! what shall we do? We've paid our fares."—

"Never returns no money, b'lieve."

"Have we a chance of catching the coach, anywhere?"

"Why—not much," said he, taking off his cap to scratch his head—"but if you like you may try, sir; if you goes *uncommon* quick you may have a chance of catching the coach at the Angel, at Islington."

A hopeful beginning this of my *first circuit.* I came back to the coach, which I found had just got past the two carts above spoken of, and communicated the dismay-ing intelligence to Q. and the coachman. I looked at the horses, and my heart smote me, as I said, "Come, off!—off for the Angel, as fast as ever you can go!—our only chance!" In a trice we were on our way, and soon got into a long broad straight street or road that led directly towards the Angel. We really galloped all the way. How the poor beasts contrived to go such a pace I know not, though I could hear the grievous thwacks incessantly "raining influence" on their lean hides. My heart ached for the wretched beasts; and I thought, thank God! we shall, at all events, have nothing of this sort upon the railroad—the *engine* can't draw on one's sympathy!

But at length, as we dashed round to the Angel, there stood a coach—*the coach*—ready to start, the coachman with his foot on the wheel, and the whip and reins in his hand, and the guard evidently looking out for *some* one. "Come, come, gentlemen, really but this a'nt the correct thing; I'm a quarter of an hour behind my time with waiting for you! Come, jump up, gentlemen—jump up—the porter will put your luggage on; quick, Jarvey, quick!" The offended Jehu was obeyed; we paid the Jarvey seven shillings, the scamp demanding ten (!)—the servant got up on the front, Q. and I behind—crack went the whip, off were whisked the cloths from the horses, cheerily blew the guard his horn—and away we went at a rattling pace!

Hurried as had been our latter movements, I had contrived to purchase a *Times* newspaper before the coach set off, but, on attempting to read it, found that the wind was too high; so I was obliged to put it into my pocket for a more convenient season. "Ah!" thought I, as we rattled rapidly along, "every step carries us farther away from the centre of action and influence—glorious London! To-morrow morning, and for the next three weeks or so, I shall be a day behind the world; I shall get everything at secondhand—I shall be gloating over that which has been forgotten in London!" The sky wore a bleak, mottled appearance, and the weather was very squally. Gusts of a keen north-easterly wind swept searchingly past us, accompanied with occasional hail and rain, and made us very soon regret having taken outside places. I had a large blue cloak—two, in fact, made into one—with an ample cape, which, hood-like, I threw over my head when the weather was sharpest, and so in a considerable measure sheltered myself from the sleet and rain and cutting wind. Q. had an old greatcoat, and an immense "comfortable" round his neck. He and I sat with our backs to the horses. Next to him sat a man having the appearance of an elderly commercial traveller. Opposite to me sat the guard on a pile of coats and Mackintoshes; next to him sat two men of humble appearance, who were going, it seemed, only half way. As the weather became more and more disagreeable, the guard gave us all a couple of thick greatcoats to spread over our laps; but they were insufficient to keep my legs warm, for the wind rushed through below wretchedly. Our umbrellas were next to useless, the wind was so high, but my cape did me good service on the occasion of one or two violent hail-storms. By the time that we had got about twenty miles we were quite benumbed with the cold; and whenever the coach stopped to change horses Q. and I jumped down and ran on as fast as we could to warm ourselves again. The other passengers had, as frequently, recourse to brandy, and brandy-and-water.*

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* A recollection of the following sensible observations it was that prevented me from ever resorting to the use of spirits on such occasions:—

"I may here allude to the common practice of 'taking a dram' of some kind of spirits before exposure to cold, a practice both foolish and dangerous; the stimulating effect of the spirit soon goes off, and is followed by a degree of langour proportioned to the amount of stimulation. This is the state in which the body is most easily chilled; the secretion of the skin most easily checked; in which the person is most liable 'to take cold,' and, if he is exposed to the influence of cold after the stimulating effects have subsided, the chances are very strongly in favour of his suffering from it. Spirits ought not to be taken before such exposure, unless the person is to be exposed but for a very short time, or unless the dose is to be repeated as often as the effects of the previous dose begin to subside. Coffee does not seem liable to this objection;

When the guard entered to summon us off, we each paid ten shillings to ride the remainder of the journey inside. There was only one passenger within beside ourselves—a respectable gentleman, a West Indian; with whom we gossipped pleasantly enough. How I felt for those outside! The night was clear and bright, but, oh, how cold! We got on very comfortably, except that the coachman, at one of the places where we changed horses, put inside an elderly woman—apparently a friend of his—who had on her lap a small basket, whence issued an odour like that of a fowl decomposing,—and which was so disagreeable as to require opening the window, cold as it was. Then she would *talk!* I, who was her *vis-à-vis*, answered her only in reluctant, ungracious monosyllables, being very sleepy—"Dear!—Ah!—Yes!—Indeed!" wishing her all the while anywhere but where she was. At length she kindly ceased, and we all seemed dropping into a nap; I, at least, was fast forgetting the woman opposite and her abominable basket, when—a thought suddenly flashed across my mind—"Good heavens!—*My wig!*" I exclaimed, with a start.

"Eh!—what—what's the matter?" inquired Q., startled out of his doze.

"Q., my wig! my wig!"

Our West Indian friend laughed, and said to Q.—"He's dreaming!"

"What *is* the matter?" inquired Q.

"Alas—I've certainly left my wig behind after all!"

"Your wig—of all things!"

"Yes—my wig!"

"You don't say so!" pointedly exclaimed our West

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its stimulating effects are much more lasting; and its *warming* effects seem to me to be even greater, and the subsequent langour is certainly less. Its cordial effects—the duration of the stimulus it affords—was, I believe, first noticed by Dr Rush, in his 'Inquiry into the effect of ardent spirits.' He says that he once knew a country physician who made a practice of drinking *a pint of strong coffee* previous to long-continued exposure to cold, and found it more cordial to him than spirits in any form."—ROBERTSON *on Diet and Regimen*, pp, 44, 45.

Indian, good-naturedly. He could have had no notion of the nature of my calamity.

"La, sir, excuse me, but you seem to have a good enough wig on *now;* what's the use of two?" inquired the woman with the stench.

"What shall I do!" I exclaimed with a sigh of vexation.

"How do you know," said Q., "that it is not in your portmanteau?"

"Oh, I am sure of it; I now recollect where it must be—in a place that would be unlikely to occur to us in the hurrying of packing up. It is lying on the top of one of the book-shelves in my study! How very—very provoking! I recollect now seeing my gown lying along the top of the things in the portmanteau—I wonder it did not suggest"—

"Oh, now I see what you are, sir; you're a counsellor, sir, ar'n't you?" politely inquired the woman with the stench.

"You *are* in a fix," quoth the West Indian, with a giggle—"that is, if the *wisdom's in the wig!*" I could not just then exactly relish the joke, or admire the taste of it. What was to be done? Visions came o'er me of the crowds of clients who would besiege my lodgings with armfuls of briefs as soon as my arrival in Liverpool should have become known—the court opening on the next morning—and I wigless! an object of which the judge could not take judicial notice! He could not see or hear me! And if so, what was to become of the interests of my numerous clients? After we had fully discussed the matter, it was agreed that the best thing I could do would be to get out for a few minutes at Coventry, which was then about eight miles off, and if possible send off a line to town, in time for the mail, which would pass through Coventry about twelve o'clock, on its way to London. If I succeeded in doing so my letter would be delivered on the ensuing morning at ten o'clock; the wig could be despatched by the three o'clock coach, directed to me at Liverpool; and thus I might find it awaiting my arrival. But then, again—suppose my wife should be from home! For I recollected that she had talked of going immediately to spend a day or two with a friend at some distance from town; or suppose she should be unable to find my wig;—or suppose, after all, it should be at that moment in my portmanteau—how could I ascertain this latter fact without losing the opportunity of rectifying the error by the first coach, if it should turn out that my wig was *not* there? Titillated by these pleasant possibilities I reached Coventry, and, the moment that the coach stopped, jumped out, ran into the booking-office, and scrawled off the following, which, as pleasing evidence of my thoughtfulness, my wife has preserved:—

"*My wig!*—Forgotten!!—In the tin box, on the lowest shelf of books in the study. Tie it up securely—direct it distinctly to '—— —— on the Northern Circuit, at the Adelphi, Liverpool;' accompany the servant with it, by two o'clock, to the Swan with Two Necks, book it, and pay the full carriage on to Liverpool. Herein fail not, as you love me. Yours, X. Y.

"Coventry, half-past nine, P.M., Addressed—'To Mrs X. Y.; *or any of the servants.*'"

Having secured its due transmission to the post-office, and thanked the civil booking-officer, I re-entered the coach, somewhat relieved from my anxiety. The chattering woman with the stench had gone; so we all began to doze and sleep; for where is there a better incentive to sleep than rolling smoothly along inside a coach, in the dark, and when you have been travelling the whole day? For a while I fixed my eyes on the lantern nearest me, shedding its dusky circumscribed light over the empty high-road, which alone it rendered visible, and nothing was audible but the monotonous clattering tramp of the horses and dull rumbling of the coach wheels; I became gradually less and less sensible both of the one and the other—and at length—saw, and heard, and thought of nothing at all.

I was roused from sleep some time afterwards by hearing the voices of persons shouting and swearing violently. I found that the coach was standing opposite a public-house, where we changed horses; and Q. informed me of what was going on. We had been waiting there upwards of a quarter of an hour; for, as the two leaders were standing ready to be harnessed to the coach, one of them took it into his head to bolt off towards Birmingham at his top-speed. The other, as soon as he saw the ostler pelting after his companion, turned round—the droll brute!—and scampered off, similarly attended, in an opposite direction; as if it had been a trick concerted between them! You should have seen the fat old owner of the public-house at the time when this happened! He was standing, said Q., against the door-post, leaning on a sort of crutch, having apparently the gout—and shook his cane-stick, and cursed and swore after the *horses* "errant" in ludicrous and impotent rage. In about five minutes' time the first horse was brought back; and the already winded ostler, after securing it, had to start off again in search of the other! He was gone so long, without any signs of returning, that a third was ordered to mount the first fugitive and ride after the second! This was the state of things when I awoke. The first words which I heard the old man utter, after stretching his head and straining his ear in the direction taken by the last-mentioned horse, were, "I can't hear 'em! Curse me, if I don't think the brute's got up into a tree, and hid hi'self! Lord, I only wish I had 'em here!" said he, shaking his stick with direful significancy.

At length, however, the horse was brought back again, having been, it seemed, a long way up the road; and, after waiting for upwards of twenty-five minutes, we again set off on our journey, Q. and I consoling ourselves with the reflection, that *this* sort of thing, at all events, could not happen on the railway. We reached Birmingham about half-past eleven; and, as the coach put up at the *Swan*, and the hour was so late, and our stay in the town so short, we did the same—though we had purposed going to the *Hen and Chickens*. We were soon seated in an excellent coffee-room beside a roaring fire: and Q. and I, together with our West Indian companion—the only tenants of the room—having partaken, with infinite relish, of coffee, toast, and collared tongue, and chatted together for about half an hour about snakes, slaves, and sugar, retired to our respective rooms. I slept like a top till nine o'clock the next morning, and rose refreshed.

* * * The rain still came down steadily, and therefore we thought it best to return to our hotel, especially as we had letters to write. My wig had been bobbing before "my mind's eye" fifty times during the day. Would it arrive in time, and safely? Suppose the man at Coventry, though fee'd for his trouble, had neglected or forgotten to put my letter into the post—or suppose my wife to have gone from home, and the servants to be unable to find the wig, or to take proper means for sending it on, as directed—or suppose—but it was useless to speculate. I wrote off a long letter home, and then we dressed and set off to dine with our friends, as we did right pleasantly.

I rose at half-past six o'clock in the morning — the train starting from a place two miles off at eight o'clock. It was bitterly cold, and the snow was fluttering down fast and thick. I was in the coffee-room about seven, and found it crowded as on the previous morning by travellers, most of whom looked cold, and wearied, and hungry. As before, too, I had to wait a considerable time before I could get my breakfast. I had barely finished my second egg and cup of coffee when the omnibus which was to convey us to the railroad was announced. We hurriedly discharged our bill, threw our cloaks around us, and succeeded in getting to the omnibus just as, being full, it set off. We were obliged, therefore, to have a fly, and stood, while it was preparing for us, by our luggage at the door, in the cold and snow, exclaiming against our constant ill luck. We reached the railroad station, however, in good time; and having in our turn—for there was a crowd of applicants—paid a guinea a-piece for ourselves, and fourteen shillings for the servant, for which we received tickets, numbering both our carriage and the particular seat which we were to occupy, we went forthwith to the train—*i. e.*, a series of the bodies*—as they seemed—of handsome and commodious stage-coaches, hooked together—say fourteen of them—each containing ample room for six passengers, the seats being separate, and which, being also numbered, secured regularity and a good understanding as to their rights among the passengers. This circumstance I learnt thus:—"Sir, I beg your pardon," said a gentleman entering, and looking at me and the seat I had chosen, "*I* am fifty."

"Really, Sir, I don't understand," I replied, with a smile, and great surprise; "what if you *are* fifty?—you don't *look* as much."

"Oh, my seat is number fifty—that's all," he rejoined, smiling in his turn, and pointing to the number, which glittered in brass letters immediately over me.

Of course I immediately surrendered my seat, and took one just opposite to Q., each of us sitting near the window. This matter settled, I was getting out to look about me for a moment, when I heard the sound of a trumpet, and in a moment after saw a ponderous structure roll slowly and hissing past;—it was the engine, just taken out of his shed, and going to be attached to the train. He bore the startling name, "SIROCCO," in large gold letters on his flank, and looked quite splendid in his polished brass and steel. He carried his food and water after him! Presently our tickets were called for; then a man went along from carriage to carriage, carefully fastening the doors and adjusting the handles safely, while another placed palm-oil on the wheels. There was none of the noise and bustle ordinarily attending the starting of a stage-coach; on the contrary, all was quiet and methodical. Again the trumpet sounded; and just at eight o'clock, we felt a gentle motion, noiseless withal—and found that we had commenced our journey, but as slowly as we could well move at first. Gradually we quickened our speed till we had got fairly on our way and were clear of all interruption, when we began a rate of speed to me unprecedented. I let down the glass and put out my head to see the length and appearance of the train, but quickly withdrew it; for, what with the sleet, and the draught occasioned by the rapidity with which we were passing through the bitterly cold air, it was unpleasant enough. How dreary the country looked! I shut the window and wrapped myself up in my cloak, leaned back in my seat, and, together with Q., enjoyed for a while, in silence, the novelty of our situation and sensations. The motion was pretty uniform—gentle, slightly vibrating, with now and then a jerk: we almost believed we could have *written* all the way we went. So long as we looked only at distant objects, we did not seem to be going much quicker than in a fast stage-coach; but as soon as we looked at anything nearer—at the fence of the railroad, for instance—we became instantly sensible of the prodigious rapidity of our motion. It was really painful to look down for a minute together. While I was thinking about the rapidity and pleasure of our rate and mode of travelling—

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* It must be borne in mind that this was written sixteen years ago, when railroads were, comparatively speaking, in their infancy.

"Confound it!" exclaimed Q., "*where's* my umbrella?"

Certes we were a precious pair of travellers! He had left it at the Swan! I pointed significantly to mine, which I had in my hand; but he dashed my triumph by saying briskly—"Your wig, you'll remember!"

We stopped once in about every twelve or fifteen miles at "*Stations*," in order to give off or take in passengers, as also, to let our good Sirocco drink—(a rare draught, merry monster! was his—a hogshead at least!)—and feed, when he snapped up several sacks of coals, apparently with great relish. What a digestion must be his! Well may his breath be hot and his system feverish! He generally panted a little at starting, but it soon passed off, and he ran the remainder of his journey without any apparent effort or exhaustion.

The word "*explosion*" flitted oftener through my thoughts, I must confess, than I could have wished, and always occasioned a momentary tremor, especially when my fancy would fly forward and image forth some such pleasant paragraph as—"*Frightful Accident and Loss of Lives on the Liverpool and Birmingham Railroad, &c.*—Boiler burst, &c. &c.; engineman blown to atoms, his remains falling at several fields' distance. Amongst the sufferers, we regret to say, two gentlemen of the bar, going for the first time on the Northern Circuit, &c.—now lying in an utterly hopeless state at the Cat and Cockchafer, near Stafford; rejoice to add, no fault to be attributed to any one," &c. &c.

Have you never, my dear sir, experienced similar feelings?—or have you ever "*steamed it?*" I would give a trifle, if you had, for *your* description of it—of your feelings while being whirled along at such an astounding speed, and in such a novel manner. For about twelve miles we went at the rate of at least forty miles an hour! To prove the very great rapidity with which we were flying along:—there was not a breath of air when we started from one of the stations; in a few minutes' time, happening to put my head through the window for a moment, I seemed to encounter a hurricane, and yet I observed that the small branches of the trees near the roadside did not move in the least. Q. sate lazily back in the corner; and since he could not put his head through the window to try the experiment, in order to shew him how matters stood, I fastened one end of my pocket-handkerchief round my finger, and put my hand outside—when the handkerchief instantly flew and fluttered along, crackling like a pennant at a mast-head in a strong wind. Indeed, I was very nearly losing it. It was really painful to the eyes to look out a-head, the draught of air was so strong; and, as I observed before, it was dizzy work to look down immediately upon the road, and see the velocity with which we passed over it. Object after object—rails, posts, trees, &c.—glanced like light as we shot past them. On one occasion I had just thrust my head out, when something huge, black, tremendous, rushed hissing close past me, within a few inches of my face, and I fell back in my seat as if I had been shot. It was another train which was coming in the opposite direction. After only a few moments' pause, I looked out after it; but I protest it was almost out of sight. At one place there were several horses in a field near the road, all of whom, affrighted at our monstrous appearance, galloped off, except one, who remained behind, looking at us, I could imagine, with a sad air; possibly repeating to himself the words of our great poet—

> "O farewell,
> Farewell the neighing steed!
> And, oh! *you mortal engines!*—
> Farewell! Othello's occupation's gone!"

When we had considerably abated our speed, I observed a droll evidence of the rapidity with which we were still travelling. A good-sized dog suddenly popped out of a shed on the roadside, and literally ran a race with us for about two minutes, evidently as fast as he could lay his feet to the ground: but 'twas in vain; he could not keep abreast of the carriage opposite to which he had started; but carriage after carriage quickly passed him, till the whole train had got a-head of him, when he stopped—a mere speck in the rapidly increasing distance.

* * * We had to go through a tunnel on reaching the confines of Liverpool, and which passes directly under the town. The engine was detached from the train on arriving at the mouth of the tunnel, and a rope, or ropes, attached in its place—but I did not see the process—by which we were to be drawn through the whole length of the tunnel! It was dreary enough work, plunged as we were, *instanter*, out of broad daylight into black Cimmerian gloom—

> "Shut up from outward light,
> To incorporate with gloomy night"*

A lamp here and there shed its pallid, circumscribed light over the damp low sides and roof of the tunnel, which is very narrow, and so long, that if you put your head through the window you could not see light at either extremity—at least, only as a kind of speck. And there we were labouring heavily along, not at our former speed; nothing being heard but the dull rumbling noise of the wheels upon the rails, and the vapours striking so raw and cold, that we were forced to close the window; when divers pleasant thoughts crossed my mind. Suppose some accident should happen to us—just then!—the tunnel fall in, and bring half Liverpool about our ears;—we should not be dug out in less than three years' time, if any one had curiosity enough to set about such a task. Suppose some of the queer invisible mechanism by which we were drawn along should give way—in short, *how I hate tunnels;* especially tunnels a mile and a quarter in length!

* * * We drove first to the hotel, where I jumped out to inquire about my wig; and—joy indeed!—soon had in my hands such a little parcel as I desired—plainly my wig-box "*carefully packed.*" The direction was in my good wife's handwriting—"*distinct*" enough, in all conscience—my name being in letters more than half an inch in length, and elaborately *painted* (as we called it at school), to prevent all possibility of obliteration or mistake.

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* *Samson Agonistes,* 160, 161.

* * * The next morning, about ten o'clock, we made our appearance in court.

Mr Justice Pattison, a patient, merciful, and very learned judge, presided in the criminal court, the first in which we made our appearance. The prisoner standing at the bar was charged with bigamy. He was a short young man of about five-and-twenty; of so mean and insignificant an appearance, that I wondered how he could ever have persuaded *one* woman to marry him—to say nothing of *two!* He had light close-cut hair, just like pig's bristles in colour and coarseness, *sans* eyebrows, beard, or whiskers; with sharp grey eyes, that peered about him anxiously from out of two rather large sockets. He stood patiently in the dock, with a kind of quaint composure, his hands disposed behind him, under the tails of a decent blue coat, while the clearest case in the world was being proved against him. When called on for his defence he gave a quiet *hem!* and in a calm, business-like way, with much self-possession and infinite quaintness, delivered himself thus:—

"Hem!—Sir, my Lord, and you gentlemen there," (the jury) "this is the meaning of the whole thing, you see. I tuk a fancy to Sally—that's my first wife—'cause she and me was workers i' the same factory, and she *did* seem then a good girl, and likely to make me a good woife. So I says to her one day—says I, Sally, will't ha' me for thy husband if I'll tak thee for my woife? Yea, says she, I will—so we kip coompany for some toime, an' I giv her money and things, ye see, to mak her loike me moore and moore—and I thowt she *did;* so we got married to each other. Well," (with this word, uttered with a kind of sigh, he commenced almost every sentence) "well, you see, sir, I got married, as I said, and we got on well enough for about a moonth, when one day, what d'ye think, gentleman? I coomed hoam fro' my work, and behold Sally were gone. I wonder what's this, says I; and, putting together a few things as Sal had said to me now an' then, you may depend on't, says I to myself, Sal is gone whoam to her awld faither an' mither (they lived ten mile off, sir); for she were very p'tic'lar fond o' them; fonder nor she were o' *me* a dom'd deal; an' she'd often said to me, Tummas, faither an' mither must coom an' live wi' us. But I said na; if I've married *thee*, Sal, I han't married all thy family; which was the truth, gentlemen, an' every one of you would ha' said the same. Well, a p'tic'lar friend o' mine and me talked the thing over together; and he says to me, 'Tummas,' says he, 'I'd go arter Sal, and bring her whoam again; for if thee's married a woife, thee's a reet to ha' her live wi' thee,' and I thowt the same."

"To be sure you had—you were quite right," interposed the Judge, who seemed listening to his statement with some interest; "go on."

"Well, I set off directly, an' walked the whool way theere an' back, wi' only tenpence i' my pocket, and toired and hoongry I wer, I reckon, when I coomed whoam again. Well, I saw Sally, sure enough; and I says to her, in a very proper way (if you'll b'lieve me), 'Sally, is this good o' thee? Arn't thee my laful woife? And an't I a reet to ha' thee?'—'Na, na,' says she, 'I won't coom back, without faither and mither coom wi' me,'—an' she stuck to this, an' we'd a good deal o' talk about the matter, an' she abused me, and so did t' ould ones, and they said I might go back, for Sal shouldn't go wi' me unless all went togither, an' lived loving-loike togither. I warn't going to do *this* neither, any how; so I went whoam without her, an' did my work as usual. Well, howsever, in a week's toime Sally coom'd back, and I thowt she'd thowt better on't, an' were going to live comfortable and proper-loike wi' me. Well, she were reet loving wi' me for some toime, when one day, to be sure, I found she'd pawned and sold a' my things, an' gone off wi't money to t' ould ones agin"——

"Theer't leeing, Tummas!—theer't leeing, an' thee knows it," suddenly squealed out a female voice from the further end of the court. "I'm thy laful woife, an' I've got the 'tificate of our marriage with me here, thou leer!"

She was soon silenced, and the prisoner calmly proceeded:—

"But Sally coom'd back again when the money wer all gone, and what a loife she did lead me, to be sure! She tuk to drink, and sold all my things to get it, even a noice silver watch, that had been giv me by my faither --all went for drink. She went on i' this'ns for about a year, gentleman, and I got toired o' my loife. Sometimes she'd come an' live wi' me, and sometimes not; I doan't say Sally kep coompany wi' other men, but she wor no coompany to me. Well, at last I says to her—'Sally, wil't a live wi' me loike a wife should, or wil't a not?' 'Na,' says she, snapping her finger. 'Well then,' says I, 'coom before a magistrate, and let's get parted in a laful way.'"

"*Get parted in a lawful way!*—What do you mean by that?" suddenly interposed the Judge, with a kind of stern curiosity.

"*Get divoorced*, sir, accordin' to la."

Mr Justice Pattison leaned back, with an air of mingled surprise and pity.

"Well," added the prisoner, after a short pause, "Sally wouldn't do one thing nor t'other—she'd neither live wi' me nor stop away—leastwise, whenever she did, it were only for mischief, to pawn and sell my goods, d'ye see. So at length I says to her—'Sally, since thee won't part lafully from me, I've done wi' thee, an' *I'll* part wi' *thee;* and since thee doan't know what a good husband is, I know them that does, an' I'll give thee leave, once for all, to go to thy awld faither an' mither—an' marry 'em, if thee loik'st—but *I've* done wi' thee.' Well, I went and tould all this to my present woife."

"Your present wife! she *isn't* your wife," interrupted the Judge.

"And I said to her," continued the prisoner, imperturbably, "will thee object to marry me, an' live wi' me, and be a good woife? And she didn't say me nay; so we got married, an' we've lived very different-wise to Sally and me. So I thowt I'd a reet to do it; and this second woman's my woife; and Sally isn't my woife any longer, an' that's the truth o' the whole matter, and I've got nothing more to say, gentlemen."

All this had been said in a firm, earnest, respectful tone and manner, which satisfied *me* that the prisoner had been telling the truth; and if so, he was, indeed, to be pitied. If it were all false, then he must be a clever scamp to have been able to keep up such a plausible consistency—such a *vraisemblante* air—throughout. Some letter was handed up to the Judge in favour of the character of the first wife, whom it represented to be a sober and industrious woman. It was also admitted that the prisoner had fairly told the woman whom he had last married all that he had represented himself as having told her. The Judge, having made some just remarks upon the deplorable ignorance on the subject of marriage and divorce which seemed to be evinced by the prisoner, and which he sincerely hoped were not prevalent notions in those parts, instructed the jury that their verdict must of course be *guilty*, as the prisoner had confessed all that he stood charged with. He was immediately, therefore, found guilty. The Judge pointed out to him fully and distinctly the heinous nature of the offence of bigamy, and the utter absurdity of his notions respecting the relation of marriage, and the mode of dissolving it. He might be transported for what he had done; but as he seemed to have acted ignorantly, and had, especially, frankly told the woman whom he called his second wife of the fact that his first wife was living, and as he had already suffered several months' imprisonment since his committal to gaol, his Lordship thought the ends of justice would be answered by the infliction of a lenient sentence—that of six weeks' further imprisonment. He was then removed from the dock.

* * * * *

Can an observer of human nature have a richer field laid before him than a Court of Criminal Justice? Amongst mankind there is nothing so solemn and affecting as—startling adumbration of *hereafter!*—man sitting in judgment upon his fellow man, searching, as far as his means will allow him, into the hidden springs of action, protecting innocence from the imputation and consequences of guilt, detecting and inflicting proportionate punishment upon guilt, even to the taking away of life itself! There, at the bar—all eyes anxiously settled upon him—stands, in terrified or sullen silence, an individual whose conduct in a particular transaction is the subject of inquiry; who knows, and probably *alone*, among men, KNOWS that he is guilty of the crime with which he stands charged: one word from whose damp and rigid lips would instantly clear up the whole mystery, supply the essential link of evidence, throw light on the darkest train of circumstances, and reconcile the most discrepant and inconsistent facts. He stands cold and benumbed within the panoply of legal protection against self-crimination—knowing that not a sign or a syllable can be extorted from him. His heart, nevertheless, suddenly shrinks—the blood deserts, for a moment, his flushed cheek—as his guilty soul feels that his pursuers are pressing, though in the dark, closer and closer upon the truth of the transaction! He is, perhaps, inwardly cursing himself for his folly in having said or done, or omitted to do, something while about the perpetration of his crime, which his accusers have got hold of, and are pressing home upon him, and upon his jury, with dreadful strength of inference and conclusion. And there is his judge, well versed in such inquiries—the occasional glance of whose practised eye, which he *feels* upon him, shoots a thrill of terror into his soul, for he knows that he has *found him out*, and that a few words of his will presently clear away the previous doubt and uncertainty that may be felt by the jury, who, charged with the issues of life and death, may soon utter the fearful word

"That summons him to heaven or to hell!"

Such is an imperfect expression of the thoughts which were passing through my mind when, one morning, a little after nine o'clock, I entered the Crown Court, which was crowded to suffocation; but the only sound that met my ear was the voice of counsel stating to the jury the facts of a frightful case of murder, while he pointed, as he went on, in illustration of his statement, to an elaborate model of the premises where the alleged crime had been perpetrated. At the bar stood he whose life depended on the issue of that day's inquiry. He was a young man, apparently four-and-twenty years old; of average height and build, with light hair, rather protuberant cheek-bones and upper-lip. His countenance wore an air of mingled sullenness and anxiety, but its general expression and character would not have led me to imagine him capable of committing such crimes as he was charged with. He was dressed respectably, in a blue body-coat, with brass buttons, a black stock, Valentia waistcoat, which was very open, displaying a full plaited shirt-front. He stood at about a foot's distance from the front of the dock, holding a coloured silk pocket-handkerchief between his closed hands, from which he sometimes slowly wiped the perspiration—a posture which he never varied during the whole time of his trial. He seemed a young man of slow and dull feelings, which consequently he had little difficulty in controlling. He never raised his eyes towards the jury, judge, or witnesses, and only once or twice evinced any emotion; drawing a long heavy breath, and his cheek flushing, as one or two of the most striking points of the evidence made their appearance—to him probably unexpectedly. His name was Hill; and he stood charged with having committed the threefold crime of murder, rape, and robbery, upon the person of an elderly female, one Betty Minshull, at Warrington, under circumstances, many of them, of course, unfit for detail—all of them of horrid atrocity. One's flesh crept as one looked at the man standing so near us, and supposed him capable of committing some of the acts with which he was charged. The evidence against him was entirely circumstantial. One of the witnesses proved an admission to him, by the prisoner, of his having committed two of the three offences of which he was accused; and it was when this was being deposed to that his cheeks suddenly flushed all over. He had probably, till that moment, forgotten having made such a damning acknowledgment.

Betty Minshull was, if I recollect rightly, the landlady of a small public-house, in one of the outhouses of which her body had been found early one morning—death having been effected by strangulation. It was proved that, late on the preceding night, the prisoner had been at the public-house; that he was the last of the few visitors who had been there; and that she had, good-naturedly, *given* him a glass of ale which stood on the table just as he was going. Shortly afterwards a woman living in one of the adjoining houses heard violent screams issuing from that quarter of the premises in question where the body had been discovered. They were at first loud and violent, but became gradually fainter till they ceased. Though these sounds had surprised the witness, they had not sufficiently alarmed her to induce her to suspect anything so serious as turned out to have taken place; so she did not rise from bed to inquire about them. On the morning of that day the prisoner had met a man whom he knew, and whom, with a strange and fatal communicativeness, he told a part of what he had been doing; that he "had been having a *lark* with Betty Minshull"—and had left her asleep, having first taken out of her pocket some money, a knife, and a snuff-box; that he had thrown the last article into a mill-pond in the neighbourhood of the spot where they were then standing: It was subsequently searched, on suspicion being excited against Hill—and discovered lying at the bottom. The knife he had given away. Both of them were produced in Court, and clearly identified by one or two of the relatives of the unfortunate deceased as having been her property. The prisoner evinced no emotion when they were handed about, with serious scrutiny, between the Judge, the jury, the witnesses, and the Bar. His demeanour throughout appeared to me that of a man consciously guilty, and deserted by hope. One of the witnesses was the head constable, or keeper of the house of correction — I forget which — at Warrington; and he spoke to a most important examination by himself of the prisoner, when first brought into his custody. The prisoner's counsel having elicited the fact that the witness — a huge, brawny, overbearing-looking fellow — had conceived himself entitled to examine the prisoner, with a show of authority for doing so, and closely and sternly — and now came to state the results, most important and even decisive, of the answers so wrung from the prisoner,—

"Do you mean to say, sir," sternly interposed Mr Justice Pattison — turning towards him, "that you presumed to examine the prisoner at the bar as soon as he came into your custody?"

"Yes, my Lord, I did," he replied, with a confident air, "and can state exactly"——

"Then let me tell you, sir," interrupted Mr Justice Pattison, indignantly, "that you have acted with the highest impropriety, contrary to the law of the land — and have taken a shameful advantage of your situation. How dared you to do so, sir? Pray is this a *practice* of yours?"

"Yes, my Lord, it is," replied the witness, doggedly, but with a sadly crest-fallen air.

"Then I tell you, sir, that I have a very great mind to cause you to be dismissed immediately from a situation which you don't know the duties of. You have been guilty of misconduct in your office, sir. You ought to know that the law gives you no authority whatever to ask a single question of any prisoner committed to your custody, with a view to finding out whether he is guilty of what he is charged with. God forbid, indeed, that persons of your description should ever have such a power. Your duty is to keep them safely, and not to abuse your power by *worrying* them into confession, and extorting from their fears matter which you may afterwards come here, as you do this day, to swear to against them. If a prisoner *volunteers* a confession, a statement, you may hear it, and afterwards state it here; but at your peril ever again presume to continue your present cruel and oppressive practice: Do you hear me, sir?" he sternly added, observing the sullen conceited air with which the fellow listened to the merited and dignified rebuke inflicted upon him.

"Oh, yes, my Lord." The tone in which this was said did not escape the Judge.

"I am by no means sure," added his Lordship, "that I shall not even yet feel it my duty to recommend your dismissal from your present situation."

"Then I hope, my Lord, you will not allow this examination to be given in evidence?" inquired the prisoner's counsel. The prisoner's heavy, gloomy eye was lifted for an instant anxiously upon the Judge, on this question being asked; but his Lordship, after repeating his opinion of the improper manner in which the evidence had been obtained, observed, with a manifest reluctance to such use of evidence so unfairly obtained — "Why, yes, — they are, nevertheless, *admissions* of the prisoner, and I do not think myself warranted in altogether excluding them; but I shall take care to remark upon them to the jury."

The prisoner's eye was instantly cast down, and his chest heaved with a long, deep-drawn sigh. After a strong chain of circumstantial evidence had been laid before the jury, the prisoner's counsel addressed them on his behalf. What could he say? He had no witnesses to call! The only point he attempted to make was, that though the prisoner might have been guilty of two of the three grievous crimes charged upon him, yet he had not intentionally, or even knowingly, occasioned the death of Betty Minshull; pressing upon them, with much energy, the statement of the prisoner which had been given in evidence, that "he had left the deceased *asleep;*" and also urging, for the honour of our common human nature, the incredibility that the prisoner, or any one living, could have been guilty of one of the atrocious acts with which he was charged. The Judge then summed up; stating it to be "perfectly settled and unquestionable law, that all homicide is *presumed* to be *malicious*, and amounts to murder until the contrary appears in evidence—which must be made out by the prisoner to the satisfaction of the Court and jury. It was for them to say whether they thought that the deceased had come by her death in consequence of any felonious act of the prisoner; and if so, he was clearly guilty of murder, although he might never have intended it, or thought it possible to have been the result, or have been aware of it. Of this there was not the slightest doubt." His Lordship then, with great patience and perspicuity, recapitulated and commented upon the evidence; and, though he had done so with the most rigorous fairness, it was clear to every one what the issue must be. The jury withdrew to consider their verdict, and the prisoner was removed from the dock till their return. They were absent for more than an hour; and as one of them was a Quaker, we began to suspect that the well-known repugnance of that sect to the shedding of blood afforded a chance to the prisoner of their verdict mitigating his crime into manslaughter. Immediately on the former one retiring, another jury was sworn, and another prisoner placed at the bar.

The prolonged absence of the jury greatly strengthened our above-mentioned suspicions. What a dreadful interval must that have been to the prisoner! At length it was announced that the jury were returning into court to deliver their verdict. "Remove this prisoner, and place John Hill at the bar!" said the Judge, as I fancied, slightly changing colour. I am sure that *I* did, especially when I saw the prisoner led forward by two of the officers and placed in front of the dock to hear his doom. He stood exactly in his former attitude, with his handkerchief in his hands; but his face was turned, and his eye directed with dreadful anxiety to the spot where his jury were collecting; in whose downcast faces, as they one by one made their way through the breathless crowd, he too plainly read his fate. His chest heaved several times slowly, while he endured the agonising suspense occasioned by the jury's names being called over, and answering to them. As soon as the twelfth had responded—"Gentlemen, are you agreed upon your verdict?" inquired the officer of the court; "do you find the prisoner at the bar *guilty* or *not guilty?*"

Amidst profound silence the foreman pronounced the fatal word—"GUILTY."—My eye was fixed at the moment on the features of the miserable wretch whom that word had doomed to a speedy and ignominious death. It blanched his countenance; his eyes drooped, and he leaned heavily against the two officers who had led him in, and then stood close behind him. Immediately on the foreman's pronouncing the verdict, the Judge placed upon his head the ominous black velvet cap, and with much solemnity, amidst the breathless silence of the Court, thus addressed the prisoner:—

"John Hill—after full and anxious consideration, the jury of your country, upon which you put yourself for your trial, has found you guilty of the crime with which you stood charged. I am, and every one present, yourself even, must be satisfied that the verdict is a just one.

You stand convicted of the threefold crime of murder, rape, and robbery; and you must die. There is not a ray of hope for you on this side of the grave; your enormous crime has rendered you unfit to continue any longer among your fellow-creatures. I charge you to cherish not for an instant the slightest expectation of mercy; it cannot, it will not be extended to you. The interval between the present moment and your death, an interval which the law has lately mercifully extended, I implore of you to spend in constant prayer to Almighty God for His forgiveness, through repentance and faith in your Saviour Jesus Christ. His mercy you *may* obtain.

"I do not intend to harrow up your feelings by dwelling upon the details of your crime; they have horrified all who heard them, and you must know it. It is enough for me to discharge the awful duty which the law has imposed upon me—reminding you, unhappy man, once more, that your moments on earth are numbered, *and very, very precious to you.*

"The sentence of the court upon you is, that you be taken from the place where you now are, to the prison whence you came; and thence, on some day to be hereafter appointed, to a place of execution, where you shall be hanged by the neck until you be dead; and that your body be buried within the precincts of the prison."

As these last words were uttered, the prisoner, whose face had become ghastly pale, and whose eyes had closed, leaned heavily against the officers who stood behind him, and who led him down, apparently stupified, as soon as the Judge had ceased speaking, out of the dock into the prison. He was executed about three weeks afterwards, and died with firmness and penitence, denying, however, that he had intended to cause, or was at the time aware of the death of his victim.

I had never before seen sentence of death passed. It is a most solemn and painful scene. Mr Justice Pattison discharged his trying duty excellently well. His words were few and weighty; and his manner was characterized by simplicity, firmness, and feeling.

There was tried, some days afterwards, for forgery on a grand scale, a man named Kinnear: whose name had made many a merchant's heart ache.

He came originally, I believe, from Glasgow, where, as well as at different periods of his career in London and Liverpool, he carried on an extensive business, and failed at the last-mentioned place, some seven or eight years ago, to an immense amount, leaving nothing whatever for his duped creditors. He had lived in great luxury and splendour, being a man of expensive habits and ambitious tastes. Finding it impossible again to establish himself in business,—to obtain credit in an ordinary and open course of dealing, his fertile invention and determined spirit pointed out to him more secret and tortuous courses. He organized a skilful scheme—a compact confederacy for the purpose of issuing fictitious bills, which soon made their appearance in all directions, especially in Birmingham, Liverpool and Manchester, and took in even the most knowing. His own name, of course, never appeared; but suspicion was at length roused, and pointed at him: diligent inquiries were set on foot after the alleged parties to these bills—individuals and companies; and the result was, that one fine day in October last, he was seized, together with a portmanteau, containing damning evidence of his doings, and committed to prison. One Jones, also, a hoary-headed scamp, his chief confederate, was arrested about the same time.

The court was crowded with mercantile men. When Kinnear was put to the bar I was much struck with his appearance. One cannot help a transient feeling of sympathy towards a man in the garb, and with the bearing of a gentleman, dragged to the felons' bar, however one may suspect him to be a scoundrel. He appeared upwards of fifty years of age; and his countenance decidedly betokened intellect. His face and demeanour would have *taken in* any one. "Should you have suspected," whispered a friend to me, as we were both scrutinising the prisoner's countenance, "that man to have been a villain?" "Not I, indeed, nor would any one," I replied, and those lines of Medea's occurred to my mind, in which she laments that we have not equal facilities for detecting base *coin* and base *men*.

> *ὦ Ζεῦ, τί δὴ χρυσοῦ μὲν ὃς κίβδηλος ᾖ,*
> *τεκμήρι' ἀνθρώποισιν ὤπασας σαφῆ,*
> *ἀνδρῶν δ' ὅτῳ χρὴ τὸν κακὸν* ΔΙΕΙΔΕΝΑΙ,
> *οὐδεὶς χαρακτὴρ ἐμπέφυκε σώματι.**

His face was a little flushed as he was brought to the front of the dock, to stand where he knew that the murderer Hill had stood a short time before; and though he was evidently making a great effort to appear composed and attentive to what was going forward, and so grievously concerned him, yet the restless anxiety of his eyes, and momentary changes of his colour, showed that he was not insensible to the ignominy of his situation. He, who had lately been among the most active and eminent merchants of Liverpool, now stood charged with felony at the bar of the court, which was crowded, as he saw, by those with whom he had once been on terms of intimacy and equality, nay, superiority; of those who felt, as they looked at him, a keen and just resentment towards him for the prodigious frauds and injuries which he had committed upon men, whose only fault had been their too easy confidence in his integrity. While the jury were being sworn, he looked at each of them with a scrutinising and anxious eye, but—to my surprise—challenged none of them. He had a number of papers with him, which he arranged carefully before him while the usual formalities were going on; and it soon appeared that he had retained no counsel, but intended to defend himself. Never was there a more signal instance of the folly of such a procedure, of the truth of the saying, that he who is his own counsel has a fool for his client. A *layman* to conduct his own defence on a prosecution for forgery — one which is usually environed with technical difficulties, such as no one could reasonably be expected to comprehend or deal with but a lawyer, and an experienced one! *Quem Deus vult perdere prius dementat!* At length he was called upon, in the usual manner, to plead to the indictment. "*Not guilty*," said he, firmly and readily, thereby unconsciously waving the preliminary objection to the indictment on which, as it afterwards appeared, he had been mainly relying! Just before counsel rose to state the case to the jury, Kinnear, in a strong Scottish accent, and with an air of mingled anxiety and confidence, thus addressed the Judge:

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* *Medea*, 516, 519.

"My lord, I presume the time has now arrived at which I may take an exception to the form of the indictment?"

"An exception to the form of the indictment, do you say?" inquired the Judge.

"Exactly so, my lord."

"No, you are too late! If you consider the indictment defective, why did you plead to it?" inquired the Judge, mildly. "By so doing you have admitted that you have no ground for objecting to the sufficiency of the form of it. Why did you *plead* to it? You should have demurred."

Kinnear seemed thunderstruck. "You might have been better advised," continued the Judge, kindly, "if you had chosen. You should have consulted some one who would have apprised you of the consequences of the step you have taken — of the proper time and mode of bringing forward and shaping your defence. Judging from your appearance, you must have had the *means* of doing so. Surely you have no one to blame but yourself." Kinnear, with earnest pertinacity, pressed the Judge to entertain, at least to listen to, his "legal objection," and succeeded. "Well—let us hear it; if it be really a *sub-*

stantial one, you may hereafter avail yourself of it in arrest of judgment. I have looked at the indictment, and cannot give you much hope. But go on."

"I am charged, my lord," he commenced, with deliberate emphasis, "with forging a bill of exchange; and if I can prove the instrument, as described in the indictment, not to be a bill of exchange, I must be acquitted. Is not that so, my lord?" The Judge assented. "Now, my lord, I have always understood, in my experience as a mercantile man, and it is laid down in all the law-books, that to a bill of exchange three parties are necessary—a drawer, a payee, and an acceptor; from which it follows that an *acceptance* is an essential part of a bill of exchange."

"If that is your point, there is nothing in it at all; and you must know it yourself, if you *are* acquainted, as you say, with commercial matters," said the Judge; "hundreds and hundreds of bills are noted and protested daily for *non-acceptance;* how could that be if they were not bills?" *

Kinnear, however, could not part with his "point" so easily—but urged it again and again with a most provoking pertinacity, till the Judge at once put an end to it by saying, sternly,—even *his* patience being exhausted—"Silence, prisoner! what do you mean by standing chattering there in this way? I have heard you again, and again, and again, repeating the same thing, and have tried till I am tired to satisfy you of its futility. I cannot permit the time of the public to be any longer wasted. Let the case go on; you will have every proper opportunity of defending yourself."

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* "A bill of exchange is *a written order for the payment of a certain sum of money unconditionally.*" Blackstone's definition is fuller, but to the same effect, pointing more to the origin of a bill of exchange,—"An open letter of request, from one man to another, desiring him to pay a sum named therein to a third person on his account;"—either definition excluding the necessity of an acceptance, and consequently disposing of the prisoner's objection. The instrument in question was in this form:—

"Three months after date pay to my order (*without acceptance*), £70.
"JOHN WATKINS."

"*To the Flintshire Banking Company.*"

In this form (as far as the words in *italics* are concerned) are all bills drawn by the Bank of Ireland on the Bank of England. So, at least, it was stated in Court, though the prisoner denied it.

Kinnear, with an air at once dogged and chagrined, gave up the contest; and the counsel for the prosecutor proceeded to state as clear and strong a case against the prisoner as could well be made out. He had gone by several names, under all of which, however, he was most distinctly identified. He was arrested on one of the Manchester trains, the officer, at the same time, seizing, as already intimated, his portmanteau, which bore on it in conspicuous brass letters, "J. K. D." (*i. e. John Kinnear Donaldson*, the name by which he most frequently went, as was shown beyond all possibility of doubt). This portmanteau—alas, for him!—contained numerous memoranda in his own handwriting; the stamps with which the printed parts of the bills in question had been effected; correspondence with his various confederates, disclosing a complete organisation for swindling and forging; prospectuses of sham banks in his own handwriting. To what do you suppose his most vigorous fire of cross-examination was directed? To the demolition of all that abundant and impregnable evidence by which his portmanteau and its contents were connected with him, as they were, step by step, beyond all doubt, in defiance of all evasion or denial on his part. Never was anything more hopelessly absurd; he had clearly no notion of the true mode, especially the true *object* of cross-examination, either to break down his prosecutor's case, without, at the same time, prematurely disclosing his own; or to make out even by anticipation that which he intended to set up in opposition to it. His questions were all loose and miscellaneous; and yet, in form, they were neat and terse. It was plain that he had no clear notion of his position, no settled purpose in view. He produced no beneficial effect whatever, nor did he, in his speech to the jury, once allude to the matters which he had seemed desirous of extracting. In fact, his own questions had served only to strengthen the evidence against him where it was weak, and supply what was deficient in it. I found that the prisoner confidently calculated on the prosecutor's being unable to show the handwriting of the alleged drawer's name (John Watkins) to be his, the prisoner's; guess his consternation when there came into the box a Frenchman who gave the most direct and decisive evidence against him! a man whom Kinnear believed at that moment to be far away in Prussia, and his name even unknown to the prosecutors!

Q. " Do you know the handwriting of Mr Kinnear?"

A. "O yea, ver well indid: I ave mosh reason to know it."

Q. " How do you know it?"

A. " How? Ave I not see him write ver many often times?"

Q. " Have you received letters from him?"

A. " Ver gret nomber indeed; too many."

Q. " Look at that bill of exchange, and say in whose handwriting is the name, '*John Watkins.*'"

A. " O, yea, it is Mister Kinnear's, there can be no doubt."

Q. " Is it his natural and usual hand, or a feigned one?"

A. " No, no, it is a disguise; Mr Kinnear write two or tree hand when he choose."

Q. " Have you ever seen him write this kind of hand?"

A. " Ver frequent. There can be not any de least doubt that it is Mr Kinnear's handwriting — no, none at all."

Kinnear gave him a withering look, but did not dare to put a question to him.

At length the case for the prosecution closed, and the prisoner was called upon for his defence. Again he started his point about the misdescription of the instrument, as if he expected that it would tell with the jury, where it had failed with the Judge. He then proceeded to the body of his defence, such as it was. His chief point now was to make out that the Flintshire Banking Company (shown clearly by the prosecutors to have been a pure piece of fraud and imposture) was being established *bonâ fide*, and had actually commenced doing business; that the *bona fides* of a newly-established joint-stock bank was not to be judged of by the smallness of its capital at starting, and cited several instances to show the truth of his assertion, that "small beginnings often made large endings." Above all, he should be able to show beyond all doubt that the man who had sworn that the name "*John Watkins*" was in his, Kinnear's, handwriting, had sworn falsely—that it was written by John Watkins himself, whom he should put into the box to prove it; and then he should, he apprehended, be immediately entitled to an acquittal.

"Indeed, but you are very much mistaken, prisoner," interposed the Judge, to whom Kinnear had looked, as if expecting what he had said to be corroborated from the bench. "You are not to suppose that if you address a bill of exchange to a person or a company that has no real existence—to a sham bank for instance, which has been set up only for the purpose of giving currency to their fraudulent instruments, and then pass it off into the world—that it will avail you, even if a person calling himself John Watkins should come and swear that these words were in his handwriting. I mention this, only because you seemed to appeal to me, and I do not wish to mislead you by my silence. Go on, and call your witnesses."

"Well," replied the baffled swindler, quite chop-fallen, "I will proceed to prove my case. Call John Jones."

Who do you suppose this "*John Jones*"—his sole witness—was? The confederate already spoken of, who had been put up at the bar with Kinnear that very morning, and who was to be tried immediately after him on a similar charge! Here was a credible witness for you! I could hardly help bursting into laughter when I saw him led out of the prison into the witness-box in custody of the officer! by his sole testimony to neutralise all that had been already given, and secure his friend's acquittal! Kinnear proceeded to examine him in a novel manner—by putting the speech which he had addressed to the jury into palpable leading questions, which were all, of course, readily answered by the witness just in the manner which Kinnear wished, neither the Judge deigning, nor the counsel for the prosecution thinking it necessary to interpose at all! He got the man to swear that his name was "John Watkins Jones," but that he more frequently dropped the last name, and passed as "John Watkins;" *why*, he left to conjecture. At length he came to his grand point.

"Now, Mr Jones, take that bill"—the one in question—"into your hands, and look at the name of the drawer."

"I have, sir," he replied, holding it in his hand, and looking at the prisoner, waiting for the next question.

"Now, tell us," continued Kinnear, confidently, "in whose handwriting are the words, 'John Watkins?'"

"IN YOURS, sir," replied the witness as confidently, not knowing the case which Kinnear had been presenting to the jury, but speaking, probably, in accordance with some former story concerted between them; Kinnear also forgetting, obviously—if such were the true state of things—his altered plot! He turned perfectly pale when this most unexpected and confounding answer was given; but, with a presence of mind and readiness worthy of a better cause, calmly continued—

"Now, Mr Jones, when I wrote that, did I, or did I not write it *in your presence, and by your direction?*"

"You did, sir," replied the ready liar.

"By procuration?"

"Yes—by procuration."

"Can *you* write, Mr Jones?" inquired the Judge, half smiling at the farce that was being carried on by this pair of worthies, and was answered readily in the affirmative.

"Why did you sign by procuration, if you could write, and were present?"

"I don't know, sir."

He made an absurd figure under cross-examination; disclosing such a scheme of villany between himself and the prisoner as even, in the absence of all other evidence, must have secured a conviction. The Judge summed up very shortly, and the jury almost immediately found him guilty. He heard the verdict with perfect composure. The Judge proceeded to pass sentence upon him; telling him that, but for the alteration in the law lately effected by the lenient legislature, his life would have been that day forfeited; that such was his—the Judge's—opinion of the prisoner's guilt, that even had death been then the punishment of forgery, he should certainly have left the prisoner for execution. As it was, he would find the punishment inflicted upon him to be dreadfully severe; which was, that he should be transported beyond the seas for the term of his natural life. Kinnear listened to the sentence with an air of deep anxiety, but with calmness. He deliberately gathered up his papers, which seemed to have been, however, ostentatiously arranged, of no manner of use to him; the officer tapped him on the shoulder, motioning him away, and he followed. Many curious stories are told of this most successful swindler. He once drew *and got discounted*, when he was in business at Liverpool, a bill for £80,000. It is now framed and glazed as a curiosity. I was told by a banker who knew it as a fact, that Kinnear, on the occasion of one of his bunkruptcies, audaciously came to a meeting of his creditors in a carriage-and-four; and, on their mildly intimating to him that, under circumstances, a chaise and pair might have sufficed, he replied, with smiling *sang-froid*, "Gentlemen, my time, which is your time, is so very valuable, that I could not think of depriving you of a moment of it!"

He is now on his way to New South Wales, and I hope he may have health to enjoy his pleasant and novel situation, and the many gratifying thoughts and recollections it will occasion. When I looked at him he brought to my recollection—not, however, from any *personal* resemblance—the figure of the ill-fated Fauntleroy, as I saw him standing, some dozen years ago—with a high-bred air, a most strikingly gentlemanly figure and handsome features, which were blanched with agony and terror—at the bar of the Old Bailey in London, for a similar offence; and for which, as you may recollect, he was shortly afterwards hanged, a most miserable spectacle. I think he must have been already dead when he was brought out upon the scaffold; he was certainly insensible, and obliged to be supported to the very last moment of the brief and frightful preparations.

The last trial of interest that I witnessed in the Crown Court was one which took place on the next day, or the day after. It was that of a man for the murder of his wife. He seemed about thirty-five years old, and was dressed in respectable mourning. He stood at the bar with an air at once of firmness and depression. He was a little under the average height, and his countenance rather prepossessing than otherwise. From the evidence in chief of the first two witnesses it would have appeared clear that he had been guilty of a most barbarous murder. On their depositions before the coroner a verdict of manslaughter only had been returned; but, on reading them, Mr Justice Pattison had felt it his duty to instruct the Grand Jury to bring in a bill for murder; a step which seemed most amply justified by the evidence which the witnesses now gave. It appeared from their testimony that the deceased had been far advanced in pregnancy; that the prisoner had had some dispute with her—being a most violent man, they said—and knocked her down, her head falling against the sharp corner of a chest of drawers, which cut it open, and the wound bled profusely; and that, while she was thus prostrate and insensible, the prisoner furiously kicked and struck her repeatedly—death, on the same evening, or the evening after, I forget which, being the consequence. As far as this evidence went, nothing, of course, could have been more brutal than the conduct of the prisoner; but, on cross-examination of the first witness, a little ill-looking old woman, the mother of the deceased, and who gave her evidence manifestly under the influence of the most bitter resentment towards the prisoner, the case began to assume a different aspect. It was wrung from her, after great prevarication, and also was established by other witnesses, that she had herself, on the evening in question, been drinking gin with the deceased, at the residence of the latter, a miserable cellar; that she had herself fetched five quarterns of gin for the deceased on that occasion; that the deceased and the witness, at her request, had frequently pawned all her husband's clothes, and those of her children—whom she had once or twice sent to bed early in the afternoon, to enable her so to dispose of their clothes! That the prisoner was a pilot, a remarkably steady and hard-working man, and earned amply sufficient to enable himself and family to live in comfortable circumstances; but this accursed propensity of his wife's had beggared them, and driven them from their former comfortable dwelling to the wretched cellar in which had occurred the catastrophe then the subject of inquiry. That on the evening in question he had come home from the sea wet and wearied, but found that every article of his clothing had been pawned by his wife, and that his children were lying in bed almost naked, their little clothes having shared the same fate; and that his wife was drunk, as was also the first witness. Furious words naturally ensued; and it was under these truly exasperating circumstances that he had struggled with his wife, so as to occasion—but, it was clear, unintentionally—her fall; and it certainly did appear that, either while she was falling, or immediately afterwards, he had more than once struck her with some violence, but not in a way to have alone caused her death, which the medical evidence shewed to have been occasioned by the injuries which she had received upon her head, in falling upon the drawers, added to the effects of violent excitement and excessive liquor upon a person in her situation. The third witness brought forward against the prisoner was—alas!—his own daughter, a little girl about five or six years of age, decently dressed in black. When her name was called, the prisoner, with an agonised countenance, looked away from the spot where she was to stand; his lip quivered, his chest heaved; and, in spite of his efforts, the tears forced themselves from his eyes. Mr Justice Pattison observed his agitation, and seemed himself not a little affected when he beheld the little thing that, in obedience to the summons of the loud-voiced officer, was brought into court, and placed close beside him, to give evidence which might seal the fate of her father. She was so short, that he handed over to the officer the footstool he had been using, in order that she might stand upon it. She was rather a pretty-looking girl, and her face was sad and pale. She did not, however, cry, though her eyes seemed glued to the figure of her miserable father, who never once ventured to look towards her, and whose tears, silent evidence of the anguish he was enduring, fell frequently. In all other respects he preserved a stern composure throughout the proceedings.

"My child," said the Judge, I thought with a little emotion, as he bent down his ear to her,—"do you know that you have come here to speak the truth?"

"Yes, sir."

"And will you, my dear, speak the truth—and tell us all the truth, and nothing else?"

"Yes, sir."

"What will become of you, do you think, if you tell a a lie?"

She paused; the Judge repeated the question; and she answered distinctly, I shall be burned in everlasting fire."

"Where did you learn that?"

"The Bible, sir."

"Have you ever been at school?"

"Yes, sir, at the Sunday school."

"She may be sworn," said the Judge; and the oath was immediately administered to her.

Was not this, dear Christopher, a grievous sight to see? The little daughter called to give evidence against her father, on his trial for his life, for the murder of her mother! Though in a melancholy tone, and with a sad manner, she gave her evidence with great propriety, clearly and firmly. Her tiny voice could be heard distinctly in all parts of the crowded but silent court. She evinced, as was to be expected, a strong leaning towards her father; but she admitted that he had twice struck her mother when she was lying bleeding on the floor. She also stated that her mother had several times actually taken her—the little girl's—shoes and stockings off her feet, that she might pawn them for gin; and that she and the other children had been often obliged to lie in bed, because their mother and grandmother had taken away their clothes for the vile purpose above-mentioned! Who could listen to all this without feeling the deepest commiseration towards the unhappy prisoner? Till he had been hurried into the act with which he then stood charged, he had always borne an unblemished character as a quiet respectable man, who laboured hard to support his family, and who could have kept them in comfort but for his wife's ruinous propensities to drink. His counsel addressed the jury on his behalf with much earnestness, contending that, on the whole of the evidence, the prisoner was entitled to an acquittal, or, at least to a verdict of manslaughter. The Judge, however, directed the jury that there was no evidence to support the charge of murder, but that the prisoner had been clearly guilty of manslaughter. He then recapitulated the evidence; and, after a quarter of an hour's consideration, the jury pronounced a verdict of manslaughter. He was sentenced to eighteen months' imprisonment, with hard labour.

The only case in the Civil Court which possessed anything worth noticing here was a prosecution for a NUISANCE, instituted by the Corporation of Liverpool against a Mr Muspratt, the proprietor of some extensive works for the manufacture of *alkali* within the town of Liverpool. The alleged nuisance was thus described by the counsel for the prosecution (the present Mr Justice Cresswell) :—" The works carried on by Mr Muspratt are for the manufacture of alkali, in the course of which two processes are necessary: they first of all manufacture sulphuric acid; and, using it together with common salt, they manufacture salt-cake, for the purpose of converting it into what is called black ash, or alkali, that being employed in the making of soap, as a cheap substitute for kelp, or Spanish barilla, which were formerly imported from foreign countries, and used in the manufacture of soap. I understand that the process by which this article is manufactured is so conducted as to discharge into the air, from the lower part of the works, more or less of sulphuric acid gas, and from the high chimney, in which the other part of the process is carried on, is discharged a large quantity of muriatic acid gas. No person can pass within sight of these works without observing, not only a quantity of black smoke escaping from the chimney, but also a white vapour, looking like a cloud of steam, which is carried along a considerable distance from it in clear weather, still remaining a compact body, not mixed with the air on either side. I understand that this vapour comes originally from the chimney in the form of muriatic acid gas, but, speedily combining with the moisture of the atmosphere, it assumes the vaporous state, leaves the gaseous state, and is driven along in the state of vapour, as a stream, whichever way the wind may blow, and, being heavier than the atmospheric air, soon descends, producing the consequences which I will describe to you. In the first place, with respect to vegetation, I am told that it withers and destroys vegetation wherever it falls; that the leaves become shrivelled up and embrowned by it, and ultimately fall; and, if it continues in that direction for a sufficient length of time, they will crumble into powder. Upon metals it has a peculiar action. Brass is speedily tarnished by it, and a rust, or rather a bright red rust, is produced by it, upon all metallic articles —fenders, fire-irons, and all polished metallic articles, are speedily rusted by it; so much so, that in half an hour after any metallic article is submitted to its action, you will find that it is entirely rusted. To the senses it is particularly disagreeable. There is a pungent acid taste; it is extremely irritating to the lungs; it produces a coughing as soon as it is inhaled, and a smarting about the eyes. In short, it irritates wherever it comes in contact with the mucous membrane. You may easily imagine that all this is a source of great annoyance and of loss."

It was impossible to mix in Liverpool society without hearing complaints on all hands—whether well or ill founded—of the injurious effects here alluded to; and the greatest interest was excited by the trial; during the whole of which, lasting nearly three days, the Court was excessively crowded. Society, in short, took up arms against Mr Muspratt, and you may guess the result. He fought stoutly, however, desperately contesting every inch of ground. The prosecutors brought forward a host of witnesses to support the statement of Mr Cresswell; to prove that their health had suffered sensibly, grievously, in consequence of these hated "*works;*" and their property, of almost every description, had been also injured thereby to a very great extent. Pawnbrokers said this abominable gas played the mischief with their various deposits; nurserymen and gardeners, that it utterly blighted their fruit, flowers, shrubs, vegetables, and trees; dyers, that it discharged all their colours, and frustrated and confounded all their doings; cow-keepers, that their cattle languished and died—both their grass and their water being contaminated by this execrable gas. There was, in short, a "*whole army*" of sufferers, if not of *martyrs.* What a singular conflict of testimony there was, to be sure! One class of witnesses swore that their fire-irons, &c., were constantly corroded; another, that *theirs,* though subject to the same influence, were "*always bright and fair.*" One, that their furniture, the papering of their rooms, and clothes hung out to dry, &c., were immediately discoloured, and presently rotted; another, that though next-door neighbours, no such effects had been experienced—or, if any had, they were easily referable to other causes. One, that whereas, before they and their families had resided within the sphere of this pestiferous influence, they had been healthy, plump, and ruddy, they soon after became, and still were, diseased, lean, and sallow; another exactly reversed it, and swore that, if anything, their health had improved, and they had become fatter and ruddier since they had come within the magic circle of Mr Muspratt's influence. One scientific chemist demonstrated, by analysis and experiment, the deleterious properties of the gas; another, the well-known Dr Thomson from Glasgow, contradicted him. The one referred all the injurious effects which had been detailed by the witnesses clearly and unequivocally to the muriatic acid gas; the other denied it, and accounted for them by reference to the agency of simple atmospheric air and carbonic acid gas.

Forty witnesses were called for the prosecution, and forty-five for the defendant. It took two whole days to collect this enormous heap of contradictory evidence; and on the morning of the third, Mr Justice Coleridge summed up the whole to the jury with great judgment and perspicacity. I do not think that either party could have gathered from his address to which side his opinion inclined, so nearly did he hold the scale. The jury—a special one—retired, and after an absence of two hours and a half, returned into Court with a verdict of GUILTY; the consequence of which has been, and will be, most serious to the defendant, who must now give up his expensive works, and either pull them down, or convert them, if possible, to other purposes. This seems, however, but fair and reasonable; for why should one citizen benefit and enrich himself at the expense of his fellow-citizens, their comforts, property, and health? My own judgment, as that of an impartial listener, was satisfied that the case was made out against the defendant. It was exceedingly interesting, and repaid the attention with which I had listened to it. It commenced on Thursday, and terminated on Saturday, April 7, and as soon as I had heard the verdict I quitted the Court, to make arrangements for returning to town on the ensuing Monday.

Monday was the day appointed for opening the railroad between London and Birmingham, all of which had been completed except the middle thirty miles, which was to be passed in omnibusses; and the question with us was, whether we should avail ourselves of that opportunity, or content ourselves with the railroad to Birmingham, and then go on to London by coach. The latter was the course we determined upon adopting, for there were divers objections to the other, both speculative and practical; and we therefore took our places for Monday morning at half-past six, paying down on account £3. Most of our brethren had either preceded us, or dispersed to various sessions, which I had made up my mind not to attend.

* * * Despite, however, all our precautions, we barely escaped being once more TOO LATE. Our fly rattled down Mount Pleasant as fast as it could well go, but it struck six—sad sound to our too negligent ears!—as we drove into the railway station-yard, and we knew that the train started punctually; while we had yet to get our luggage out and put in, to pay the residue of our fare, and to get our tickets. We were in an agony of nervousness. Our luggage *would* get wrongly placed; then we had to get change for a ten-pound note; then to shout to the people to say that we were ready, while those in the office were saying that it was our own fault, &c. Lo! just as we were counting over the change we had received, we heard a shrill startling sound—we cast our eye on the huge train—alas! the monster was moving—and while it was doing so, we hastily got into our appointed place—smack went the door, and in a moment we were under the tunnel, in whose gloom and silence we had leisure to recover from our flurry, curse our folly, and make good resolutions—as usual!

The morning was much finer than that on which we had come to Liverpool; and it was pleasant enough to be rattling rapidly along amid the cheering sunshine, instead of having our former melancholy accompaniments of wind, hail, snow, rain, fog, and sleet. We reached Birmingham by a quarter past eleven, having started from the tunnel at Liverpool at about twenty minutes to seven—a far quicker journey than our former one. Certainly, railroad travelling is delightful, both from the advantages afforded by its surprising rapidity, and the convenience—not to say the luxury—of its accommodations. You have as much room as you can wish for: no ill-bred or ill-natured, or disproportionately-sized fellow-passenger can annoy you by encroaching on the limits set apart for you: the vehicle in which you travel is airy and commodious—you are at an amply sufficient distance from your opposite neighbours; and, really, what a thing it will be ere long to be able to calculate confidently upon a journey to and from London and Liverpool, in right pleasant style, and in six or eight hours! * About half-past eleven o'clock—after taking a biscuit and a glass of wine—we got into the coach. Alas, how

"Cabin'd, cribb'd, confined, bound in"

we instantly felt ourselves! scarce room to shift the position of even a limb without almost apologizing to one's neighbours for incommoding them! As this was the day of opening the railroad, I soon found that a great struggle was to be made by our coachman to see whether he could not get into town "*before the steamers.*" He was a capital whip, and at the same time a cautious and safe one, and we went the whole way at the rate of twelve miles an hour. We caught a very striking view of the newly opened railroad soon after quitting Coventry; passing along over immensely high arches, constructed with an eye equally to taste and strength. The sides of it were lined with people awaiting the arrival of the trains. We caught, as we went on, occasional glimpses of the railroad as well in its incomplete as its finished state. About ten miles beyond the latter portion of it we passed about thirty or forty horses waiting ready to be harnessed to the omnibusses which were to convey the passengers from the end of the finished part to the Denbigh-Hall end; and, as might have been expected, a little bitter slang passed between our guard and coachman and the "steam people." I rode outside for a considerable portion of the way, and very pleasant it was.

* * * After eating a hearty dinner at Stony-Stratford we turned inside, and rumbled off once more. We all of us fell asleep, being sufficiently tired with our long day's journey; and when I woke it was at half-past

eleven o'clock, and we were at the Angel at Islington, with the crowd and hubbub then usual on the arrival or departure of a coach. In a twinkling, however, I got into a cab with my portmanteau, and in less than a quarter of an hour was at home, having thus returned safe and sound in wind and limb from "My First Circuit."

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* The distance is now (1854) accomplished by the express train in six hours.

Given from my Chambers, on the 8th floor of No.
37 Fig Tree Court, in the Temple, on the
10th day of this present June, 1838.

SIR WILLIAM FOLLETT, KNIGHT,

ATTORNEY-GENERAL.*

THE disappearance from the legal hemisphere of so bright a star as the late Sir William Follett, cast a gloom over the legal profession, and, indeed, over all classes of society capable of appreciating intellectual eminence. He died in his forty-seventh year; filling the high office of Attorney-general; the head and pride of the British Bar; a bright ornament of the senate; in the prime of manhood, and the plenitude of his extraordinary intellectual vigour; in the full noontide of success, just as he had reached the dazzling pinnacle of professional and official distinction. The tones of his low mellow voice were echoing sadly in the ears, his dignified and graceful figure and gesture were present to the eyes, of the bench and bar—when, at the commencement of Michaelmas term, 1845, they re-assembled, with recruited energies, in the ancient inns of court, for the purpose of resuming their laborious and responsible professional duties in Westminster Hall. It was impossible not to think, at such a time, of Sir William Follett, without being conscious of having sustained a grievous, if not an irreparable, loss. Where was he whose name was so lately a tower of strength to suitors; whose consummate logical skill, whose wonderful resources, taxed to the uttermost those of judicial intellect, and baffled and overthrew the strongest who could be opposed to him in forensic warfare? Where, alas, was Sir William Follett? His eloquent lips were stilled in death, his remains were mouldering in the tomb—yes, almost within the very walls of that sacred structure, hallowed with the recollections and associations of centuries, in which his surviving brethren were assembled for worship on Sunday the 2d day of November 1845—the commencement of the legal year—at that period of it when *his* was, erewhile, ever the most conspicuous and shining figure, *his* exertions were the most interesting, the most important, *his* success was at once the most easy, decisive, and dazzling. Yes, *there* were assembled his brethren, who, with saddened faces and beating hearts, had attended his solemn obsequies in that very temple where was "committed his body to the ground, earth to earth, ashes to ashes, dust to dust," where all, including the greatest and noblest in the land, acknowledged, humbly and mournfully, at the mouth of his grave, *that man walketh in a vain shadow, and disquieteth himself in vain; he heapeth up riches, and cannot tell who shall gather them!* Surely these are solemnizing and instructive reflections; and many a heart will acknowledge them to be such, amidst all the din, and glare, and bustle of worldly affairs, in the awful presence of Him *who turneth man to destruction, and sayeth, Come again, ye children of men!*

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* *Blackwood's Magazine*, January 1846.

When summoned from the scene of his splendid and successful exertions, Sir William Follett was unquestionably the brightest ornament of the British Bar. Immediately afterwards the press teemed with tributes to his memory: some of them characterised by great acuteness and discrimination, several by exaggerated eulogy, and one or two by a harsh disingenuousness amounting to misrepresentation and malevolence. Nothing excited more astonishment among those who had thoroughly known Sir William Follett, than the appearance of these attacks upon his memory, and the bad taste and feeling which alone could have prompted the perpetration of them, at a moment when the hearts of his surviving relatives and friends were quivering with the first agonies of their severe bereavement; when they had just lost one who had been the pride of their family, the pillar of their hopes, —and who was universally supposed to have left behind him not a single enemy—who had been distinguished for his courteous, mild, and inoffensive character, and its unblemished purity in all the relations of private life. Certain of the strictures here alluded to, were petty, coarse, and uncandid; and with this observation they are dismissed to oblivion. Sir William Follett had undoubtedly his shortcomings, in common with every one of his fellow-men; and, as a small set-off against his many excellences of temper and character, one or two must be glanced at by any one essaying to present to the public, however imperfectly, a just account of this very eminent person. One of his failings formed the chief subject of vituperation—*vituperation of the dead!*—by the ungracious parties to whom brief reference has just been made; and consisted, in short, in the excessive eagerness to accumulate money, by which it was alleged that the late Sir William Follett was characterised. This charge is certainly not without foundation; but while this frank admission is made, an important consideration ought to accompany it in guiding the judgment of every person of just and generous feeling; and will relieve the memory of the departed from much of the discredit sought to be attached to it.

The life of Sir William Follett appears to have been, from the first, of frail tenure. Could he have foreseen the terrible tax upon his scanty physical resources, which would be exacted by the profession which he was about to adopt, he would probably have abandoned his intentions, justly conscious though he might have been of his superior mental fitness for the Bar, and would have betaken himself to some more tranquil walk of life, which he might have adorned for a long series of years. He devoted himself, however, to the law, with intense and undivided energy; and, at an early period of his professional career, was compelled to retire for a time from practice, by one of the most serious mischances which can befall humanity — the bursting of a bloodvessel in the lungs. Was not this a fearful occurrence? Almost conclusive evidence of the unwise choice which he had made of a profession requiring special strength in that organ? Was it not justly calculated to alarm him for his future safety? And yet, what was he to have done? To have abandoned a profession for which alone he had qualified himself by years of profound and exclusive thought and labour? What Office would, under such circumstances, have insured the life of young Mr Follett, who, with such a fatal flaw in his constitution, was nevertheless following a profession which would hourly attack his most vulnerable part? Poor Follett! who can tell the apprehensions and agonies concerning his safety, to which he was doomed, from the moment of this—his first solemn summons to the grave? What had happened, he too well knew, might happen again at any moment, and hurry him out of life, leaving, in that case, comparatively destitute those whom he tenderly loved—for whom he was bound to provide—his widow and children. And for the widow and children of such a man as he knew that he had become, he felt that he ought to make a suitable provision: that those who, after he was gone, were to bear his distinguished name, might be enabled to occupy the position in which he had placed them, with dignity and comfort. Was such an illegitimate source of anxiety to one so circumstanced, and capable of Sir William Follett's superior aspirations? Was it not abundantly justified by his splendid qualifications and expectations? Why, then, should he not toil severely—exert himself even desperately—to provide against the direful contingency to which his life was subject? Alas! how many ambitious, honourable, high-minded, and fond husbands and fathers are echoing such questions with a sigh of agony! Poor Follett! 'twas for such reasons that he lived with an honourable economy, eschewing that extravagance and ostentation which too often, to men in his dazzling position, prove irresistible; it was for such reasons that he *rose up early, and went to bed late, and ate the bread of carefulness.* Had he been alone in the world—had he had none to provide for but himself, and yet had manifested the same feverish eagerness to acquire and accumulate money—had he loved money for money's sake, and accumulated it from the love of accumulation, the case would have been totally different. He might then have been justly despised, and characterized as being *of the earth, earthy*—incapable of high and generous sentiments and aspirations—sordid, grovelling, and utterly despicable. Sir William Follett had, during twenty years of intense and self-denying toil, succeeded in acquiring a very large fortune, which he disposed of, at his death, justly and generously; and how many hours of exhaustion, both of mind and body, must have been cheered, from time to time, by reflecting upon the satisfactory provision which he was making—which he was daily augmenting—for those who were to survive him! Who can tell how much of the bitterness of death was assuaged by such considerations! When his fading eyes bent their aching glances upon those who wept around his deathbed, the retrospect of a life of labour and privation spent in providing for their comfort, must indeed have been sweet and consolatory! Surely this is but fair towards the distinguished dead. It is but just towards the memory of the departed, to believe his conduct to have been principally influenced by such considerations. All men have many faults—most men have grave faults. Is parsimony intrinsically more culpable than prodigality? Have not most of mankind a tendency towards one or the other? for how few are ennobled by the ability to steer evenly between the two! And even granting that Sir William Follett had a *tendency* towards the former failing, it was surely exhibited under circumstances which warrant us in saying, that " even his failings leaned to virtue's side."

Connected with and immediately dependent upon this imputation upon the late Sir William Follett, is another which cannot be overlooked. He is charged with having made a profit of his prodigious popularity and reputation, by discreditably and unconscientiously receiving fees from clients for services which he well knew at the time that he could not possibly render to them; in short, with taking briefs in cases to which he had no reasonable hope of being able to attend. This is a grave accusation, and requires a deliberate and honest examination. It is a long-established rule of English law, that barristers have no legal means of recovering their fees, even in cases of most arduous and successful exertion, except in the few instances where a barrister can be found who may consider it consistent with the dignity of his position to enter beforehand into an express agreement with his client for the payment of his fees.* A barrister's fee is regarded, in the eye of the law, as *quiddam honorarium;* and is usually — and ought to be invariably —paid beforehand, on the brief being delivered. A fee thus paid, a rule at the bar forbids being returned, except under special circumstances; and the rule in question is a reasonable one. As counsel have no legal title to remuneration, however laborious their exertions, what would be their position if they were expected or required to return their fees at the instance of unreasonable and disappointed clients? Where ought the line to be drawn? Who is to be the judge in such a case? A client may have derived little or no benefit from his counsel's exertions, which may yet have been great in preparing himself for the trial or argument; an accident, an oversight may have intervened, and prevented his completing those exertions by attending at the trial either at all, or during the whole of the trial; he may have become unable to provide an efficient substitute; through the sudden pressure of other engagements, he may be unable to bestow upon the case the deliberate and thorough consideration which it requires—an unexpected and formidable difficulty may prove too great for his means of overcoming it, as might have been the case even with men of superior skill and experience;—in these and many other instances which might be put, an angry and defeated client would rarely be without some pretext for requiring the return of his fees, and counsel would be subject to a pressure perfectly intolerable, unreasonable, unfair to themselves, leading to results seriously prejudicial to the interests of their clients; and a practice would be introduced entailing great evils and inconveniencies, affecting the credit and honour of both branches of the legal profession. The rule in question rests upon the above, among many other valid reasons, and is generally acted upon. No one, however, can have any practical knowledge of the bar, without being aware of many instances of counsel disregarding that rule, and evincing a noble disinterestedness in the matter of fees, either returning or declining to accept them, at a severe sacrifice of time and labour, after great anxiety and exertion have been bestowed, and successfully bestowed. The rule in question is rigidly adhered to, subject to these exceptions, by eminent counsel, on another ground; viz. for the protection of junior counsel, who would be subject to incessant importunities if confronted by the examples of their seniors. Take, now, the case of a counsel who has eclipsed most, if not every one of his competitors, in reputation, for the skill and success of his advocacy—who is acute, ready, dexterous, sagacious, eloquent, and of accurate and profound legal knowledge: that is the man whose name instantly occurs to any one involved, or likely to be involved, in litigation—such an one must be instantly secured—*at all events, taken from the enemy*—at any cost. The pressure upon such a counsel's time and energies then becomes really enormous, and all but insupportable. As it is of the last importance either to secure his splendid services, or deprive the enemy of them, such a counsel—and such, it need hardly be said, was Sir William Follett—is continually made the subject of mere speculation, by clients who are content to take the chance of obtaining his attendance, with the certainty of securing his absence as an opponent. When, however, the hour of battle has arrived, and with a compact array visible upon the opposite side, the great captain is not where it had been hoped—or thought possible that he might have been—when, moreover, no adequate provision has been made against such a serious contingency—when the battle has been fought and lost, and great interests are seriously compromised, or for ever sacrificed—then the client is apt, in the first smarting agony of defeat, to forget the chance which he had been content to run, and to persuade himself that he had from the first calculated as a matter of certainty on the great man's attendance—and intense is that client's chagrin, and loud are his complaints. Can it be supposed that this eminent counsel is not sufficiently aware of the true state of the case? It is but fair to give him credit for being under the impression, that all which is expected from him, in many cases, is his best exertions to attend the trial or hearing—to provide an effective substitute, if unable to attend—and give due attention to the case at consultation. For counsel to act otherwise, deliberately to receive a brief and fee, in a case which he *knows* that he cannot possibly attend, without in the first instance fairly intimating as much to the client—to do so, moreover, in cases of importance, and habitually—is foully dishonourable, dishonest, and cruel; and conduct which there is no pretence for imputing generally to the members of the bar. It cannot, however, be denied, that serious misunderstandings occasionally arise on such occasions; but there are many ways of accounting for them, without having recourse to a supposition involving such serious imputations upon the honour of counsel—arising out of *bonâ fide* accident and mistake—the unavoidable hurry and sudden emergencies of business—misunderstandings between a counsel and his clerks;* between either or both, and the client—and the perplexity and confusion almost necessarily attending the movements of eminent counsel. On such occasions everything is usually done which can be dictated by liberality and honour, and fees are returned without hesitation. If, however, the case can be looked at from another point of view—if the eager client be fairly apprised by the clerk, that Sir —— or Mr —— "may not be able to attend"—or, "there is only a *chance* of his attending"—or "he is very likely to be elsewhere"—and, aware of the multifarious and conflicting calls upon the time of Sir —— or Mr ——, will be content to take his "chance," and deliver his brief, and pay his fee; in such a case the client will have had all which he had a right to expect,—viz. the chance, not the certainty of the counsel's attendance; there will be no pretence for alleging culpable misunderstanding, or deception.

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* This has been recently the subject of a decision of the Court of Queen's Bench, in the case of *Egan* v. *The Guardians of the Kensington Union,* 3 Queen's Bench Reports, p. 935, note (*a*). The same rule applies to physicians, a case which the author argued. *Veitch* v. *Russell,* ib. 928.

If ever there were a member of the English bar who may be said to have been overwhelmed by the distracting importunities of clients to secure his services, at all hazards and at any cost, it was the late Sir William Follett; and how he contrived to satisfy the calls upon him, to the extent which he did, is truly wonderful. How can one head, and one tongue, do so much, so admirably? is a question which has a thousand times occurred to those of his brethren at the Bar, who knew most of his movements, and were least likely to form an exaggerated estimate of his exertions. The litigant public seemed to feel that every moment of this accomplished and distinguished advocate's waking hours was their own, and they were restricting his sleeping hours within the narrowest limits. Every one would have had Sir William every where, in every thing, at once! Whenever, during the last fifteen years of his life, there was a cause of magnitude and difficulty, there was Sir William Follet. What important interests have been by turns perilled and protected, according as Sir William Follett acted upon the offensive or defensive! Misty and intricate claims to dormant peerages, before committees of privileges, in the House of Lords; appeals to the High Court of Parliament, from all the superior courts, both of law and equity, in the United Kingdom, involving questions of the greatest possible nicety and complexity—and that, too, in the law of Scotland, both mercantile and conveyancing, so dissimilar to that prevailing in other parts of the kingdom; appeals before the Privy Council, from the judicial decisions of courts in every quarter of the globe where British possessions exist, and administering varying systems of law, all different from that of England; the most important cases in the courts of equity, in courts of error, and the common law courts in *banc;* all the great cases depending before parliamentary committees, till he entered the House of Commons; every special jury cause of consequence in London and Middlesex, and in any of the other counties in England, whither he went upon special retainers; compensation cases, involving property to a very large amount;—in all these cases, the first point was—to secure Sir William Follett; and, for that purpose, run a desperate race with an opponent. Every morning that Sir William Follett rose from his bed, he had to contemplate a long series of important and pressing engagements filling up almost every minute of his time—not knowing where or before what tribunal he might be at any given moment of the day—and often wholly ignorant of what might be the nature of the case he would have to conduct, against the most able and astute opponents who could be pitted against him, and before the greatest judicial intellects of the kingdom: aware of the boundless confidence in his powers reposed by his clients, the great interests entrusted to him, and the heavy pecuniary sacrifices by which his exertions had been secured.

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* Leading counsel, indeed all counsel much engaged in business, necessarily place their time almost altogether at the disposal of their clerks, whose duty it is to keep an exact record of their employer's engagements, and see that no incompatible ones are made for him. Counsel find quite enough to do, in adequately attending to the matters actually put before them by their clerks, without being harassed by adjusting the troublesome arrangements and appointments, for time and place, where their duties are to be performed—or, at all events, doing more than keeping a general superintendence over their arrangements thus made. To all this must be added those innumerable contingencies in the arrangements of the courts, and the course of business, which no one can possibly foresee; and which often derange a whole series of arrangements, however cautiously and prudently made, and render counsel unable, after having carefully mastered their cases, to attend at the trial or argument.

Relying with a just confidence on his extraordinary rapidity in mastering all kinds of cases almost as soon as they could be brought under his notice, and also on the desire universally manifested by both the Bench and the Bar to consult the convenience and facilitate the business arrangements of one, himself so courteous and obliging to all, and whom they knew to be entrusted, at a heavy expense to his clients, with the greatest interests involved in litigation; relying upon these considerations, and also upon those others which have been already alluded to, Sir William Follett undoubtedly permitted briefs to be delivered to him, *all* of which he must have suspected himself to be incapable of personally attending to. It must be owned that on many such occasions he may not—distracted with the multiplicity of his exhausting labours—have given that full consideration to those matters which it was his bounden duty to have given to them; and his conduct in this respect has been justly censured by both branches of the high and honourable profession to whom the public entrusts such mighty interests. Still he turned away business from his chambers which would have made the fortunes of two or three even eminent barristers, and has been known to act with spirit and liberality in cases where his imprudence on the score alluded to had been attended with inconvenience and loss to his clients. Nor was he *always* so fortunate, as latterly, with respect to his clerks; who had, equally with himself, a direct pecuniary interest* in every brief which he accepted, and consequently a strong motive for listening with a too favourable ear to the importunities of clients. The necessary consequence of all this was occasionally the bitter upbraiding of Sir William Follett's desperately disappointed and defeated clients.

Still, however, he did make extraordinary efforts to satisfy all the claims upon his time and energies, and at length sacrificed himself in doing so; to a great extent foregoing domestic and social enjoyments—sparing himself neither by night nor by day, neither in mind nor body. Crowded with consultations as was almost every hour of the day not actually spent in open business in court—from the earliest period in the morning till the latest at night—it was really amazing that he contrived to obtain that perfect mastery of his ponderous and intricate briefs, which secured him his repeated and splendid triumphs in court. Till within even the last eighteen months or two years of his life, if you had gone down one morning at half-past nine o'clock to Westminster, you might have heard him opening with masterly ease, clearness, and skill, a patent case, or some other important matter, before a special jury; and immediately after resuming his seat, you would see him go perhaps into an adjoining court of Nisi Prius, in which also he was engaged as leading counsel, and where he would quickly ascertain the exact position of the case—and effectively cross-examine or re-examine a witness, or object to or support the admissibility of evidence;—then if you followed his footsteps, you would find him in the Lord Chancellor's Court, engaged in some equity case of great magnitude and difficulty. Some time afterwards he might be seen hastening to the Privy Council — and by about two or three o'clock at the bar of the House of Lords, in the midst of an admirable reply in some great appeal or peerage case. When the House broke up, Sir William Follett would doff the full-bottomed wig, in which alone Queen's counsel are allowed to appear before the House of Lords, and, resuming his short wig, re-appear in either—or by turns in both—the Courts of Nisi Prius, where he had left trials pending, having directed himself to be sent for if there should arise any necessity for it. Then he would in a few moments calmly possess himself of the exact state of the cause, and resume his personal conduct of it, as effectively as if he had never quitted the court. If he could be spared for a quarter of an hour, he would glide out, followed by one or two counsel and attorneys, to hold one, or perhaps two consultations, in cases fixed for the next day. On the court's rising—perhaps about six or seven o'clock, he would go home to swallow a hasty dinner; then hold two, or even three or four consultations at his own house; read over—as none but he could read — some briefs; and about eleven or twelve o'clock make his appearance in the House of Commons, and perhaps take a leading part in some critical debate—listened to with uninterrupted silence, and with the admiration of both friends and foes. The above, with the exception of taking part in the debate of the House of Commons, was little more than an average day's work of the late Sir William Follett! And was it not the life of a galley-slave chained to the oar? He had, however, chosen it, and would not quit his seat, but at the icy touch of death. Such appears to be a fair and temperate account of the real state of the case, with reference to Sir William Follett's great anxiety to acquire money, and his over-eagerness in accepting briefs.

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* The clerk of the barrister has a fee on every fee of his employer, in a long-settled proportion of 2s. 6d. on all fees under five guineas; from, and inclusive of five guineas, up to ten guineas, 5s.; from ten guineas, 10s., and so on for higher fees.

Great allowances ought undoubtedly to be made for him, on the grounds above suggested; and, with reference to the former case, another consideration occurs, which ought to have been already more distinctly adverted to. Sir William Follett had a right to regard his elevation to the peerage as a matter almost of course. Had he lived possibly only a few months longer, he would, in all probability, have become a peer of the realm; and he ought to be given credit for an honourable ambition to avoid the imputation of having inflicted a pauper peerage upon the country. Frail he knew his health to be; and doubtlessly contemplated the necessity of providing suitably for the family whom he was to leave behind him, and which he would have ennobled. But what was involved in providing, under such circumstances, "*suitably*" for a noble family! What ample means would have to be secured by one who had inherited no fortune himself, but was, on the contrary, the sole architect of his fortunes! What prodigious efforts are necessary for a lawyer to realise, by his own individual exertions, an amount which would produce an income of five, four, or even three thousand a year! And let any one of common sense, and ordinary knowledge of the world, ask himself—whether the highest of those amounts be more than barely sufficient, without undue economy, to provide for a dowager peeress and a young family! That such considerations were not lost sight of by Sir William Follett, but, on the contrary, were stimulants to his intense, unremitting, and exhausting labours, it is easy to understand; and they sprang out of a high, and honourable, and a legitimate ambition. But whatever weight may be attached to these considerations—and generosity and forbearance towards the dead will attach great weight to them—they are no answer to much of the charge brought against the late Sir William Follett, and which ought not to be glossed over and explained away; and a sense of duty absolutely forces us to make the acknowledgment, that, in his excessive eagerness to accomplish his object, he was hurried into an occasional forgetfulness of that nice and high sense of moral principle which ought to regulate every one's conduct—especially those in eminent positions—for the sake of illustrious example, and, in a man's own case, with reference to the awful realities of HEREAFTER: for a man should strive so to pass through things temporal, as not to lose sight of things eternal.

Let us now, however, endeavour to point out some of the excellences of Sir William Follett's character; and perhaps the most prominent of them was his admirable temper. Continually in collision with others, on behalf of important interests entrusted to him, and exposed to a thousand trials and provocations, that temper, nevertheless, scarce ever failed him. Serene and unruffled on the most exciting occasions, his manners were perfectly fascinating to all those who came in contact with him. A rude or unkind expression may be said never to have fallen from his lips towards an opponent—or, indeed, any one; towards juniors and inferiors he was always good-natured and considerate; and towards the judicial bench he exhibited uniformly a demeanour of dignified courtesy and deference. He was very tenacious of his own opinions—confident in the propriety of his view of a case—apparently so, always, for he could assume a confidence though he had it not—and would persevere in his efforts to overcome the adverse humour of judges and juries, to an extent never exceeded; yet withal so blandly, so unassumingly, so mildly, that he never irritated or provoked any one. His temper and self-possession were unequalled, and approached as nearly as possible to perfection. Amidst all the distracting multiplicity of his engagements—the sudden and harassing emergencies arising incessantly out of his prodigious practice—he preserved an urbane tranquillity which gave him on all occasions the full possession of his extraordinary faculties, enabled him to concentrate them instantly upon whatever was submitted to his attention, however suddenly—and to conquer without irritating or mortifying even the most eager and sensitive opponent. He never suffered himself to be in a hurry, or fidgeted; however sudden and serious the emergency which frighted others from their propriety, he retained and exhibited complete composure; surveying his position with lightning rapidity, and taking his measures with consummate caution — with prompt and bold decision. His guiding energies kept frequently half a dozen important causes all going on at once in their proper course. He would glide in at a critical moment—paying, in his agitated client's view, "an angel's visit"—and with smiling ease seize advantages seen by none but himself, repair disasters appearing to others irreparable, and with a single blow demolish the entire fabric which in his absence had been laboriously and skilfully raised by his opponent. No impetuosity or irritability, on the part of others, could provoke him to retaliate, or sufficed to disturb that marvellous equanimity of his, which enabled him the rather good-naturedly to convert impetuosity and loss of temper in others, into an instrument of victory for himself. When others, not similarly blessed, would, in like manner, essay to rush to the rescue, their hurried and confused movements served only to place them more completely prostrate before him. The instant after the issue had been — perhaps suddenly — decided in Sir William's favour — through some unexpected masterstroke of his —he would turn with an arch smile to his opponent, and whisper—"How did you come to let me do it?" If his advance were met sulkily, he would add, with unaffected good-humour, "Come, don't be angry; I dare say you will serve me in the same way to-morrow!" Towards adverse and frequently interrupting judges—towards petulant counsel — towards impudent, equivocating, dishonest witnesses, Sir William Follett exhibited unwavering calmness and self-possession; and withal a dignity of demeanour by which he was remarkably distinguished, and which lent importance to even the most trivial cases which could be intrusted to his advocacy. Perhaps no man ever defeated a greater number of important cases, by unexpected objections of the extremest technical character, than Sir William Follett; but he would do it with an air and manner so courteous and imposing, as to lead the uninitiated into the belief that there were doubtless good reasons by which such a course, having been reluctantly adopted, was morally justified. This topic naturally leads to some observations upon the consummate skill, the wonderful rapidity of perception, precision of movement, and unfaltering vigilance, which characterized Sir William Follett's conduct of business. Doubtless his own consciousness of possessing powers and resources far beyond those of the majority of counsel opposed to him, as evidenced in his extraordinary successes, contributed, in no small degree, to his maintenance of that composed self-reliance, and forbearance towards others, by which he was so peculiarly distinguished, and which was aided by a naturally tranquil temperament. What advantage could escape one so uniformly and surprisingly calm, vigilant, and guarded as Sir William Follett?

It might have been supposed that a man so overwhelmed with all but incompatible professional engagements, could not give to each case that full and undivided attention which was requisite to secure success, especially against the ablest members of the Bar, who were constantly opposed to him. It was, however, far otherwise. No one ever ventured to calculate upon Sir William Follett's overlooking a slip or failing to seize an advantage. *Totus teres atque rotundus* must indeed have been the case which was to withstand his onslaughts. So accurate and extensive was his legal knowledge, so acute his discrimination, so dexterous were all his movements, so lynx-eyed was his vigilant attention to what was going on, that the most learned and able of his opponents were never at their ease till after victory had been definitively announced from the bench — from a Court of Error — or even the House of Lords. They were necessarily on the alert to the latest moment. Some short time before he was compelled to relinquish practice, a certain counsel* was engaged with him as junior in a case before the Privy Council, which it was deemed of great moment that Sir William Follett should be able to attend to.

"I don't exactly know how I stand in the Queen's Bench to-morrow morning," said he, at the consultation late over-night—"but I fear that that long troublesome case of the —— Railway will be brought on by —— at the sitting of the court. I'm afraid I can't get him to put it off—but I'll try; and if he won't, I may yet be able to *settle* the case before he has got far into it—for it will be very strange if all their proceedings are right."

On this slender chance rested the likelihood of Sir William's attendance at the Privy Council. The next morning at ten o'clock, beheld all the counsel on both sides ready for action.

"You're not going to bring on the —— case this morning, are you?" whispered Sir William Follett, as soon as he had taken his seat, to his opponent, who was arranging his papers.

"I am indeed, and no mistake whatever about it," answered the latter, with a smiling but determined air.

"Can't we bring it on to-morrow, or some day next week? It would greatly oblige me—I really have scarcely read my papers, and, besides, want to be elsewhere."

"I'll see what my clients say," replied his opponent—and then he consulted them, and resumed—"No—my people are peremptory."

"Very well. Then keep your eyes wide open. I must bring you down as soon as possible, for I want to be elsewhere."

"Ah — I must take my chance about that"—then, turning round to an experienced and learned junior, he whispered—"You hear what Follett says?—Are we really all right?"

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* The author.

"Oh, pho! never mind him—we are as right as possible."

A few moments afterwards, up rose ——, and soon got into his case, and soon, also, to the end of it. The case had not been heard more than half an hour, Sir William Follett at once attentively listening to his opponent, and hastily glancing over his own papers, when he rose quietly, and said—"If my learned friend will pardon me, I think, my lord, I can save the court a long and useless enquiry—for there is clearly a fatal objection *in limine* to these proceedings."

"Let us hear what it is," said the court.

Sir William had completely checkmated his opponent! A statutory requisition had not been complied with; and in less than ten minutes' time the enemy were all prostrate—their expensive and elaborate proceedings all defeated—and that, too, permanently, unless on acceding to the terms which Sir William Follett dictated to them, and which, it need hardly be observed, were somewhat advantageous to his own client!

"Really this is too bad, Follett," might have been heard whispered by his opponent, as the next case was called in.

"Not at all—why didn't you let it stand over as I asked you?"

"Oh—you would have done just the same then as you have now."

"I don't know that," replied Sir William Follett, with a significant smile. "But why won't your people be more careful?" And then turning to his junior, said—"Now for the Privy Council!" And all this with such provoking, easy, smiling *nonchalance!*

Heaven forbid that anything here said should favour the attempt to defeat justice by technical objections; but there is, at the same time, much vulgar error on that subject, grounded on reasons which would tend to subvert all rules of law and legal procedure whatever. In the case above mentioned, the legislature had thought fit to impose on applicants for redress under the statute in question, a duty, which through haste or negligence had been overlooked, and which Sir William Follett's clients had a perfect right to take advantage of, as soon as his acuteness had detected it. To return, however. No member of the Bar, let his experience and skill have been what they might, was ever opposed to Sir William Follett without feeling, as has been already intimated, the necessity of the greatest possible vigilance and research to encounter his boundless resources; his dangerous subtlety and acuteness in detecting flaws, and raising objections; his matchless art in concealing defects in his own case; and building up, with easy grace, a superstructure equally unsubstantial and imposing, and defeating all attempts to assail or overthrow it. Even very strong heads would be often at fault, conscious that they were the victim of some subtle fallacy, which yet they could not at the moment detect and expose; and by their hazy and inconsistent efforts to do so, only supplied additional materials for the use of their astute and skilful enemy, to whom nothing ever seemed to come amiss; who converted every thing into an ingredient of success; whom scarce any surprise or mischance could defeat or overthrow.

A short time before he withdrew from practice, he was engaged at Liverpool, whither he had gone upon a special retainer, in an intricate and important ejectment case. Unexpectedly he discovered, when about half-way through the case, that his client (the plaintiff) had omitted to serve a notice upon the defendant's attorney to produce a certain critical document, at the contents of which it was necessary to get, in order to make out the plaintiff's case. The objection was promptly taken by his opponent—and to the dismay of Sir William's clients. Not so with him, however.

"You have not given a notice to produce them, eh?" he calmly whispered to his client, and was answered with a disturbed air in the negative; and all the court saw that Sir William was in the very jaws of a nonsuit.

"You ought to have done so, but it does not much signify," said he, quietly — "what's the name of the defendant's attorney?" and, on being told it, that gentleman, doubtless chuckling with delight in his anticipated triumph, was somewhat astounded by being suddenly called as a witness by Sir William Follett; who coolly asked him to produce the document in question — and on his refusal, with one or two artful questions, which completely concealed his real object, elicited the fact that he had no such document, had searched everywhere for it, both in his own office, and among his client's papers, and elsewhere, but in vain.

"Now, then, my lord," said Sir William Follett, "I am entitled to give secondary evidence of its contents!" The Judge assented. Sir William Follett extracted from his own witness all that was necessary — and out of the nettle *danger* plucking the flower *safety*, won the verdict. Every one, however, who has had opportunities of observing, can give many instances of Sir William Follett's extraordinary tact and readiness in encountering unexpected difficulty, and defeating an opponent by interposing successive unthought-of obstacles.

In the most desperate emergencies, when the full tide of success was arrested by some totally unlooked-for impediment, his vast practical knowledge, quickness of perception, unerring sagacity, and immoveable self-possession, enabled him, without any apparent effort or uneasiness, to remove that impediment almost as soon as it was discovered, and conduct his case to a triumphant issue. He was, indeed, the perfection of a practical lawyer. Whatever he did, he did as well as even his most exacting client could have wished — he won the battle, won it with little apparent effort, and with unfaltering grace and dignity of demeanour. A gentleman felt proud of being represented by such an advocate — who never descended into anything approaching even the confines of vulgarity, coarseness, or personality — who lent even to the flimsiest case a semblance of substance and strength — whose consummate and watchful adroitness placed weak places quite out of the sight and reach of the shrewdest opponent, and never perilled a good case by a single act of incaution, negligence, rashness, or supererogation. When necessary, he would prove a case barely up to the point which would suffice to secure a decision in his favour, and then leave it—equally before the court and a jury—the result afterwards showing with what consummate judgment he had acted in running the risk—the latent difficulties to have been afterwards encountered which he had avoided, the collateral interests which he had shielded from danger. He possessed that sort of intuitive sagacity which enabled him to see *safety* at the first instant of its existence—to be confident of having the judgment of the court, or the verdict of the jury, when others deeply interested and concerned in the cause imagined that they were making no way whatever. "Now, I've knocked him," his opponent, "down"—he would say at such a moment to his junior—"don't let him get up again! I must go off to the House of Lords—and will come back if you really want me! But mind, if he attempt to do so or so—to put in such and such a paper, on no account allow it; send for me, and fight till I come." He possessed, to an extraordinary degree, the power of rapidly transferring his undivided and undisturbed attention to every thing, great and small, which could be brought before it. A single glance of his eye penetrated the most obscure and perplexing parts of a case—a touch of his master-hand disentangled apparently inextricable complexities. He could apply, with beautiful promptitude and precision, some maxim or principle which had not occurred to those who had devoted long and anxious attention to the case, and which at once dissolved the difficulty. Whether acting on the offensive or defensive, he was equally characterised by the great qualities essential to successful advocacy; but perhaps, when acting on the offensive, he displayed more formidable powers. He tripped up the heels of the most wary and experienced antagonists, just when they imagined themselves in the act of throwing him. It was almost useless to quote a "*case*" against him. Though his opponent deemed it precisely in point in his favour, and on that ground was stopped by the court from proceeding further, Sir William Follett would ask for the case; and rising up, after a momentary glance at it, show that it was perfectly distinguishable from that before the court, and, in a few minutes' time, would be interrupted by the court, with—"We think, Mr ——, that you had better resume your argument!" If, on such occasions, Sir William's opponent were not a ready and dextrous legal logician, his client would—wish that he had secured Sir William Follett. His power of drawing distinctions and detecting analogies—and that, too, on the spur of the moment—was almost unequalled. It was in vain for an opponent to *feel* that the suggested distinction was without a difference—he too often could not *prove* it to be so—he could not demonstrate the fallacy which had been imposed on even a strong court by that exquisite astuteness which, however sinister, was carried off by a charming air of frankness and confidence in the validity of the distinction. On such an occasion, directly the cause was over, he would turn round and say, laughingly, to his discomfited opponent, "You haven't your wits about you this morning—why didn't you quote such and such a case?" or "say so and so?" Such things were never said in an unpleasant manner—never truculently—never triumphantly—but simply with a good-humoured, cheerful air of *badinage*, which, so far from irritating you, took off the edge of vexation, and set you almost laughing at yourself for having suffered yourself to be so completely circumvented.

While thus paying a just tribute to the skill and wonderful resources of this eminent advocate, another of his great merits, which shall be noticed, will afford an opportunity for doing justice to the junior bar, with reference to the invaluable, and—by the public—often totally unperceived, assistance which they afford to their leaders. Sir William Follett was pre-eminently characterised by the rapidity with which he availed himself of the suggestions and labours of others. A whisper — a line or two — would suffice to suggest to him a truly admirable and conclusive argument, which he instantly elaborated as if he had prepared it deliberately beforehand in his chamber; and he would put the point with infinitely greater cogency than could have been exhibited by him who suggested it, and defended it from the assaults of his opponents and the bench with truly admirable readiness and ingenuity. He exhibited great judgment and discrimination, however, on these occasions. A false or doubtful point he quietly rejected *in limine*, and would afterwards point out to him who had suggested it the impolicy of adopting it. Sir William Follett, as is the case with all eminent leaders, was under great obligations, in his successful displays, to the learning and skill of his juniors, and of the gentlemen who practise under the bar as special pleaders. It is to them that is chiefly intrusted the responsible and critical duty of preparing and advising upon pleadings, and shaping them in the way in which they ought to be presented in court. Their "opinions" and "arguments" are often of the greatest possible value—often masterly; and no one more highly estimated, or was more frequently and largely indebted to them, than Sir William Follett; but who could do such complete justice to them and so suddenly — as he? A hasty glance over, in court, such an analysis of pleadings, or affidavits, or legal documents of any kind, as has been spoken of—in a cause to which he had been, up to that moment, entirely a stranger — would suffice to put him in full possession of the true bearings of the most complicated case; and his own great learning, surpassing power of arrangement, and masterly argumentation, would do the rest. If he were taken quite unawares in such a case, and could not possibly procure its postponement, an instant's whisper with a junior — a moment's glance at his papers — would make him apparently master of the case; and, by some unexpected adroit manœuvre, he would often contrive to throw the labouring oar upon his opponent — and then, *from him*, would acquire that knowledge of the facts of the case which Sir William Follett rarely failed to turn to his own advantage, so as to secure him success. Great as were his natural endowments, how could incessant exercise, during twenty years' hourly conflict with the ablest of his brethren and of the bench, fail of developing his splendid energies to the uttermost, even up to a point of which we may conceive as little short of perfection? The strength of his reasoning faculties was equalled, if not exceeded, by that of his memory, which was equally susceptible, tenacious, and ready; qualities these, which, as Dugald Stewart has observed, are rarely united in the same person,* and which, in the case of an advocate, give him immense advantages; while he possessed that accurate practical knowledge which enabled him to detect the minutest errors in the conduct of a cause, his comprehensive grasp of mind enabled him to take in the whole of the greatest cause, with all its dependencies; and while he fixed his own eye, with unwavering steadfastness, on the object which he had in view, he could lead his opponent, and keep him, far away from *his;* and addressed himself to every passing humour of the judicial mind, supporting favourable, and repelling adverse intimations, with reasons so plausible as to appear absolutely conclusive. Whoever might forget facts, or lose the drift of the argument, Sir William Follett never did; and when he had the last word, he was almost always irresistible. He required, for the purposes of justice, to be followed by a watchful and strong-headed judge, who could detect the cunning fallacy, or series of fallacies, which had led the jury quite astray from the real points—the true merits of the case; and even such a person was often unable to remove the impression which had been produced by the subtle and persuasive advocate whose voice had preceded his. That voice was one indeed lovely to listen to. It was not loud, but low and mellow, insinuating its faintest tones into the air, and filling it with gentle harmony. His utterance was very distinct—a capital requisite in a speaker—and he had the art of varying his tones, so as to sustain the attention of both judges and juries for almost any length of time. His person and attitudes, also, were most prepossessing. Their chief characteristics were a calmness and dignity which never disappeared in even the most exciting moments of contest, and of irritability, and provoking interruption. Woe, indeed, to one who ventured to *interrupt* him! However plausible, cogent, or even just, might be the suggestion thrown in by his adversary, Sir William Follett contrived to make it tell terribly against him, either harmonising it with his own case, or showing it to be utterly inconsistent with that of the interrupting party.—Sir William Follett, who was above the middle size, always stood straight upright, as every one ought to do while addressing either judge or juries. He seldom used his left hand in speaking, but the play of his right hand was graceful, easy, and natural. His countenance was by no means handsome, yet of striking expression—decisively indicative of intellectual power, particularly about the forehead, which was largely developed. His eyes were grey, rather small, and deep-set; but they had a power of riveting the attention of any one whom he was addressing, particularly in public. You felt him to be a man whom you could neither neglect nor trifle with; who was addressing your intellect in weighty words, fathoming your intentions, and detecting your inclinations and prepossessions, and leading you in some given direction with gentle but irresistible force. He would often startle you with the boldness of his propositions, but never till he had contrived, somehow or other, to predispose you in favour of that view of the case which he was presenting. He had a most seductive smile; truth, candour, and gentleness seemed to beam from it upon you; and you were convinced that he felt perfect confidence in the goodness of his cause! He evinced a sort of intuitive sagacity in adapting himself to the character and mode of thinking of those whom he addressed. If he were standing before four judges, all of different but decided characters—and all continually interrupting him with questions and suggestions, a close experienced observer could detect, in full play, in this wily advocate, the quality which has just been mentioned. He was never irritable, or disrespectful to the bench, however trying their interruptions; but calm determination was always accompanied with courteous deference for judicial authority. It is believed that no one ever heard a sharp expression fall on Sir William Follett from the bench.

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* *Phil.* c. vi. sec. 7.

Foreigners coming to our courts, have frequently expressed admiration at his tone and bearing, as calm, graceful, and dignified, even though what he said could not be understood by them. His language was chaste, simple, and vigorous, but never ornate. He always came direct to the point; and the severest critics could find no fault in his diction. If he had read extensively, his speeches never bore witness of that fact; for he was, perhaps, never heard to use a quotation, either in verse or prose—except, of course, in the latter instance, books of legal authority, treatises, and reports of cases. Of fancy, of imagination, he appeared quite destitute. If originally possessed of any, it must for many years have been overpowered and extinguished, by the incessant and exclusive exercise of his memory and reasoning powers, for the purposes of business. Yet was he capable, on great and interesting occasions, when addressing either the full court or a jury, of riveting the attention and exciting the emotions of his hearers. Trickery, however compact and strong its meshes, he tore to pieces contemptuously, and with scarce an effort; nothing could escape his penetrating eye; it detected those faint vanishing traces of fraud, which were invisible to all other eyes. If there be genius in advocacy, Sir William Follett was undoubtedly a man of genius; and genius may perhaps be taken to signify great natural powers, accidentally directed—or, a disposition of nature, by which any one is qualified for some peculiar employment. What intellectual qualifications and resources are not requisite to constitute a first-rate advocate? If the Duke of Wellington had a genius for military affairs, so had Sir William Follett for advocacy—and genius of a high order, as will be testified by all those before whom, or on whose behalf, he exhibited it—alike by clients or judges, as by opponents. If he were a subtle sophist himself, he was himself one on whom no sophistry could impose. It fled before the penetrating glance of his aquiline eye. Faculties such as his must have secured him eminence in any pursuit or walk in life to which he might have devoted himself; particularly to the military profession, to which he always had a strong inclination. Who can doubt that if his lot had been placed from the first in political life, he would quickly have become pre-eminent in the senate, and as a statesman? Who that knew him, but would pronounce him to have been signally fitted for political life, to govern men of intellect, to deal with great affairs and mighty interests—to detect and discomfit the adversaries of peace and order, to vindicate the laws, and uphold the best interests of society? All this he might have been; *sed dîs aliter visum*—he devoted himself, heart and soul, throughout life, to the labours of the bar, and the rapid acquisition by means of them of large fortune, and official distinction. In all these aims he must have succeeded to his heart's content; for he was for many years the most distinguished and popular of advocates; he became the Queen's Attorney-General, and died in the prime of life, leaving behind him a fortune of some two hundred thousand pounds. That great class of persons who constituted his clients, will always remember his brilliant and successful exertions with gratitude.

His brethren who were opposed to him, heartily acknowledge the pre-eminence of his abilities and professional acquirements; and they, as well as the junior bar, who for years watched his brilliant exertions, must acknowledge that the one in struggling with him, and the other in watching those struggles, have witnessed an instructive exhibition of forensic excellence—a model of advocacy. To prepare for a contest with Sir William Follett, and to contend with him, called forth all a man's energies, and formed a severe and salutary discipline for the strongest. "Their antagonist was their helper: they that wrestled with him, strengthened their nerves, and sharpened their skill: that conflict with difficulty obliged them to an intimate acquaintance with their object, and compelled them to consider it in all its relations, and would not suffer them to be superficial." * In him they saw daily in exercise, many of the greatest qualities of advocacy—and beheld it triumphing over every imaginable kind and degree of obstacle and difficulty. He showed them how to maintain the bearing of gentlemen, in the moments of hottest exasperation and provocation which can arise in forensic warfare. He taught them how to look on success undazzled—to bear it with modesty of demeanour, and subordination of spirit. He exhibited to them the inestimable value of early acquiring accurate and extensive legal knowledge—of being thoroughly imbued

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* Adapted from Edmund Burke.

with the *principles* of jurisprudence, and habituating the mind to close and correct reasoning. The traces of his surpassing excellence in these matters, are now to be found nowhere but in the volumes of Law Reports, where the essence of his innumerable masterly arguments will be found collected and preserved by gentlemen of patient attention and learning competent for the task, and on whose modest but valuable labours will hereafter depend all that posterity will know of Sir William Follett. These are the legitimate records of his intellectual triumph; as are the prosperous circumstances in which he has left his family,—*to them* a solid and noble testimonial of his affectionate devotion to their interests. Their fortune was the purchase of his life's blood. The acquisition of that fortune absorbed the whole of his time, and of his energies; it deprived him of thousands of opportunities for relaxation and enjoyment, and also — it must be added — for the exercise of virtues which probably he possessed, but gave himself little or no time for calling into action — of those virtues which elevate and adorn the individual, while they benefit our fellow-creatures and society — for performing the duties which God Almighty has imposed upon his creatures, proportionately to their endowments and opportunities, himself telling us, that *to whom much is given, of him shall much be required.* To the young, eager, and ambitious lawyer, the contemplation of Sir William Follett's career is fraught with instruction. It will teach him the necessity of *moderation*, in the pursuit of the distinctions and emoluments of his profession. By grasping at too much, often every thing is lost.

Was not Sir William Follett's life one uninterrupted scene of splendid slavery, the pressure of which at length broke him down in the meridian of his days? Had he been able to resist the strong temptations by which he was assailed— temptations, too, appealing powerfully to his love of family and offspring—a long life's evening of tranquillity, of unspeakable enjoyment, might have rewarded a day of great, yet not excessive, labour. He might also have devoted his powerful talents to the public service, in such a way as to secure the lasting gratitude and admiration of posterity, by remedying some great existing defect in his country's jurisprudence, by making some solid contribution to the safeguards of the constitution. But did he ever do so? All his great experience, talents, and learning, might never have existed, for any trace of them remaining in the records of his country's constitution. What page in the statute-book attests his handiwork? And what did he ever do to advance the interests of the profession to which he belonged? These are questions asked with sorrowful sincerity and reluctance, and with every disposition to make the amplest allowances for those failings of Sir William Follett, which undoubtedly detracted from his excellence and eminence. He was a man of modest, mild, inoffensive character, who spoke ill of, and did harm to, no one; but, at the same time, was not distinguished by that active and energetic benevolence, liberality, and generosity, which secure for the memory of their exhibitant, ardent, enduring gratitude and reverence. His excellence was of a negative, rather than a positive kind. He did harm to no one, when he might have done so with impunity, and was possibly sometimes tempted to do so; but then he did not do good, at all events to the extent which might have been expected from him. He was, however, by no means of a mean or selfish nature; but in his excessive, and to a certain extent pardonable, eagerness to make what he deemed a suitable provision for himself and his family, gave himself the appearance of being comparatively indifferent to the interests or welfare of others.

It is only fair to his memory to acknowledge, that legal eminence is too often liable to the same imputations — that professional pursuits have a strong tendency to warp amiable and generous natures — to keep the eye of ambition, amidst the intense fires of rivalry and opposition, fixed exclusively upon one object—the interest and advancement of the individual. Nothing can effectually control or counteract this tendency, but a lively and constant sense of religious principle; which enlarges the heart till it can *love our neighbour as ourself*, which brightens the present with the hopes of the future, which purifies our corrupt nature, and elevates its grovelling earthward tendencies by the contemplation of an eternal state of being dependent upon our conduct in this transient scene of trial. Who can tell the extent to which these and similar considerations are present to the minds of the dying great ones of the earth, who, suddenly plucked from amidst the dazzling scenes of successful ambition, are laid prostrate upon the bed of death—their *pale faces turned to the wall*, with HEREAFTER alone in view, and under an aspect equally *new* and awful? Let us, therefore, be wise, and be wise in time, nor haughtily disregard the earnest voice of warning, however humble and obscure may be the quarter whence it comes.

Sir William Follett belonged to a respectable family in Devonshire, and was born on the 2d December 1798. In 1814 he went to Trinity College, Cambridge, and took the degree of B.A. in 1818, without any attempt to obtain *honours;* quitting college in this latter year, and entering the Inner Temple, he prosecuted the study of the law in the chambers of eminent practitioners, where he continued for three years—and then practised for about three years as a special pleader. He was called to the bar in 1824, and went the western circuit, but for one or two years was much disheartened by his want of success. He expressed, on one occasion, his readiness to accept of the place of police magistrate, if it were offered! His progress was, soon afterwards, signally, and all but unprecedentedly, rapid. He was appointed Solicitor-General in 1834, while yet behind the bar; and in 1835 was returned for Exeter, for which place he sate till his death. He quitted office with Sir Robert Peel in 1835, but returned with him to it in 1841, and became Attorney-General in 1844, on the promotion of Sir Frederick Pollock to the chief seat in the Court of Exchequer. For several years before Sir William Follett's decease, his constitution, never of the strongest, was broken by his incessant and severe labours; and in 1844, having been obliged to give up practice altogether, he went to Italy at the close of the session—having attended at the bar of the House of Lords, to lead for the Crown in the O'Connell case. He was, however, quite unfit for the task. His spine was then so seriously affected, that he was obliged to sit upon a raised chair while addressing the House, the Chancellor and the other Lords, out of great consideration for the distinguished and enfeebled speaker, moving down to the lower end of the House, close to the bar, in order to occasion him as little exertion and fatigue as possible. He did not speak long, and the effort greatly exhausted him; and it was not without difficulty, owing to something like partial paralysis of the lower extremities, that he could walk from the House.* He returned from the Continent in March 1845, a little better than when he had gone, and endeavoured to resume the discharge of such of his less onerous professional and official duties as admitted of his attending to them at his own house. He continued to listen to patent cases, attended by counsel, till within a short period of his being finally disabled; but every one saw with pain the total exhaustion under which he was suffering. Finding himself rapidly declining, in May 1845, he wrote a letter to the Prime Minister, proffering the resignation of his office of Attorney-General.

He soon afterwards retired, for the advantage of some little change of air, to the house of a relative in the Regent's Park, where he enjoyed the soothing attentions of his family, and reverently received the consolations of religion. The public manifested great anxiety to learn the state of his health, and the morning and evening newspapers contained regular announcements on the subject, as in the case of persons of the highest distinction. Her Majesty, Prince Albert, also, with numbers of the nobility, sent daily to enquire concerning him. For the last day, or possibly two days of his life, he became unconscious, and slightly delirious—and expired, without apparent pain, on Saturday afternoon, the 28th June 1845.

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* Leaning on the Author's arm.

For a long series of years, the death of no member of the legal profession had excited a tithe of the public concern which followed that of Sir William Follett, the Attorney-General. The bar felt that its brightest light had been almost suddenly extinguished. Its most gifted members, and those of the judicial bench, heartily acknowledged the transcendence of his professional qualifications, and the unassuming peacefulness with which he had passed through life. Had he lived to occupy the highest judicial seat—the woolsack—few doubted that, when relieved from the crushing pressure of private practice, he would have displayed qualities befitting so splendid a station, and earned a name worthy of ranking with those of his great predecessors.

His funeral took place on Friday, the 4th of July, at the Temple Church. He was a bencher of the Inner Temple, and his remains repose in the vault at the south-eastern extremity of the church. For nearly two hours before the funeral took place, the church—a chaste and splendid structure—had been filled with members of the bar, and a few others, all in mourning, and awaiting, in solemn silence, the commencement of the mournful ceremony. At length the pealing of the organ announced the arrival of the affecting moment when the body of Sir William Follett—himself having been not very long before a worshipper in the church—was being borne within its walls, preceded by the surpliced choir, chanting the service, in tones which still echo in the ears of those who heard them. All rose silently, with moistened eyes, and beating hearts, as they beheld, slowly borne through the aisle, the coffin which contained the prematurely dead—him whose figure, erect and graceful in forensic robes, and dignified in gesture, had so recently stood among them, their cheerful and gifted associate in the anxious business of life—from whose lips, now closed for ever, had but lately issued that rich, harmonious voice, whose tones had scarce, even then, died away! They were bearing him to his long home, with all the solemn pomp and circumstance which testify the reverence paid to departed eminence: and when the coffin was placed beside the altar, at the mouth of the vault, no language can adequately describe the affecting and imposing scene which presented itself. The pall had been borne by the Prime Minister (Sir Robert Peel), the Lord Chancellor (Lord Lyndhurst), one of the Secretaries of State (Sir James Graham), and the Vice-Chancellor of England (the late Sir Launcelot Shadwell); and amongst those who followed, were Lord Brougham, Lord Langdale, the late Chief-Justice of the Common Pleas (Sir N. Tindal), and many of the judges, (almost all the courts, both of law and equity, having suspended their sittings on account of the funeral;) while in the body of the church were to be seen nearly all the distinguished members of the bar, who had been, up to a very recent period, opposed to, or associated with, him whose dust was now on the point of being committed to its kindred dust. Nearest to the body sat the three great ministers of the Crown, who had come to pay their tribute of respect to the remains of their gifted and confidential adviser; and their solemn countenances told the deep impression which the scene was making upon them, so illustrative of the fleeting shadowiness of earthly greatness! and their reflections must have been akin to those which—as may have occurred to them—their own obsequies might, at some future period, excite in the spectators—reflections such as those with which a great one, departed,* closed his grandest labours.

"Oh, eloquent, just, and mighty death! whom none could advise, thou hast persuaded; what none hath dared, thou hast done: and whom all the world hath flattered, thou only hast cast out of the world and despised. Thou hast drawn together all the far-stretched greatness, all the pride, cruelty, and ambition of man, and covered it all over with these two narrow words—HIC JACET!" †

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* Sir Walter Raleigh—*History of the World*, last paragraph.

† The statue of him which appeared in the Crystal Palace of 1851, and is now in Westminster Abbey, faithfully represents his countenance and figure.

MEMOIR OF JOHN WILLIAM SMITH,

OF THE INNER TEMPLE, BARRISTER-AT-LAW.*

> But the fair guerdon when we hope to find,
> And think to burst out into sudden blaze,
> Comes the blind Fury with the abhorred shears,
> And slits the thin-spun life.
>
> MILTON.—*Lycidas.*

THE name of John William Smith, barrister-at-law, of the Inner Temple, now appears, possibly for the first time, before nineteen-twentieths of the readers of *Blackwood's Magazine.* It is that, however, of a remarkable and eminent man, just cut off in his prime, before he had completed his thirty-seventh year: having as yet lain little more than a twelvemonth in his grave, to which he had been borne by a few of his sorrowful and admiring friends, on the 24th of December 1845. Another eminent member of the English bar, Sir William Follett, belonging to the same Inn of Court, and also cut off in the prime of life, while glittering in the zenith of his celebrity and success, had been buried only five months previously. I endeavoured to give the readers of this Magazine, in January 1846, some account of the character of that distinguished person; and Mr Smith, learning that I was engaged upon the task, with morbid anxiety repeatedly begged me to show him what I was writing, up to within a few weeks of his own decease: a request with which, for reasons which will become obvious to the reader of this sketch, I declined to comply. With Sir William Follett's name all the world is acquainted: yet I venture to think that the name of John William Smith has greater claims upon the attention of readers of biography. His character and career will, it is believed, be found permanently and intrinsically interesting,—at once affecting, inspiriting, and admonitory. He fell a martyr to intense study, just as that competent and severe body of judges, the English bench and bar, had recognised his eminent talents and acquirements, and the shining and substantial rewards of unremitting exertion were beginning to be showered upon him.

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* *Blackwood's Magazine,* February 1847.

He came to the bar almost totally unknown, and was destitute of any advantages of person, voice, or manner. His soul, however, was noble, his feelings were refined and exalted; and, when, leaving not an enemy behind him, he departed from the scene of intense excitement and rivalry into which his lot had been cast, those who had enjoyed the best opportunities for forming a true judgment of him, knew not whether more to admire his moral excellence or his intellectual eminence, which shone the more brightly for the sensitive modesty which surrounded them. Many have expressed surprise and regret that so interesting a character should fade from the public eye, without any attempt having been made by his friends to give a full account of his character and career. I was one of his earliest friends; witnessed the whole of his professional career, shared his hopes and fears, and, with two or three others, attended upon him affectionately to his "last syllable of recorded time." During the year which has since elapsed, I have reflected much upon his character, and had many opportunities for ascertaining the respect with which his memory is cherished in the highest quarters. I shall endeavour, therefore, though with great misgivings as to my competency for the task, to present to the reader an impartial account of my gifted friend: no one else, with one exception,* having, up to this time, undertaken the task.

John William Smith, the eldest of eight children, was of a highly respectable family: his father having died in 1835, Vice-treasurer and Paymaster-general of the Forces in Ireland. Both his parents were Irish—his mother having been a Miss Connor, the sister of a late Master in Chancery, in Ireland. They lived, however, in London, where the subject of this memoir was born, in Chapel Street, Belgrave Square, on the 23d January 1809. From the earliest period at which note could be taken of their manifestation, he evinced the possession of superior mental endowments. No one is less disposed than the writer of this memoir, to set a high value upon precocious intellectual development. *Observatum fere est*, says Quinctilian, in his passionate lamentation for the death of his gifted son, *celerius occidere festinatam maturitatem.*† The maturity, however, of John William Smith, far more than realised his early promise, and renders doubly interesting any well-authenticated account, and such I have succeeded in obtaining, of his early childhood. When advanced not far from infancy, he appears to have been characterised by a kind of quaint thoughtfulness, quick observation, and a predilection for intellectual amusements. He was always eager to have poetry read to him, and soon exhibited proofs of that prodigious memory, by which he was all his life pre-eminently distinguished, and which has often made the ablest of his friends imagine that with him, *forgetting* was a thing impossible. Before he knew a single letter of the alphabet, which he learnt far earlier, moreover, than most children, he would take into his hand his little pictured story-book, which had been perhaps only once, or possibly twice, read over to him, and pretend to read aloud out of it: those overlooking him scarcely crediting the fact of his really being unable to tell one letter from the other; for he repeated the letterpress *verbatim*, from beginning to end. This feat has been repeatedly witnessed before he had reached his third year. To all the friends of Mr Smith in after-life, this circumstance is easy credible: for the quickness of his memory was equalled by its tenacity, and both appeared almost unequalled. When three years old, he read with the greatest facility all such books as are usually put into the hands of children; and his delight was to *act*, in the evening, the fable which he had read in the morning—and a reader insatiate he even then appeared to be. Between his third and sixth year, he had read, effectually, many books of history, especially those of Greece, Rome, England, and France; acquiring with facility what he retained with the utmost fidelity. He seems to have been, at this time, conscious of possessing a strong memory, and pleased at testing it. When not five years old, he one day put the parts of a dissected map, consisting of a hundred pieces, into his father's pocket, and then called for them again one by one, without making a single mistake, till he had finished putting them together on the carpet. At this early period, also, he displayed another first-rate mental quality, namely, the power of abstraction—one by which he was eminently distinguished throughout his subsequent life. When a very young child, he was frequently observed exercising this rare power—lost to all around him, and evidently intent upon some one object, to the exclusion of all others. Thus, for instance, he would often be occupied with a play of Shakspeare, while sitting in the corner of the drawing-room, in which were many persons engaged in conversation, or otherwise doing what would have effectually interrupted one who was not similarly endowed with himself. One of his brothers often played at chess with him, with closed folding doors between them, the former moving the chess-men for both, and the latter calling out the moves, without ever making an erroneous one, and frequently winning the game. His partiality to poetry, from almost his infancy, has been already noticed: and it is to be added, that he was equally fond of reading and *writing* verses. One of his relatives has at this moment in her possession a "Poem" from his pen, in pencilled *printed* characters, before he had learned, though he learned very early, to write, entitled, "The Mariner's Return." Till recently, also, the same lady possessed another curious relic of this precocious child,—namely, a prose story; the hero of which was a peasant boy, whom he took through almost all the countries of Europe, and through many vicissitudes, finally exalting him to the post of Prime Minister to Henry VIII. The knowledge of geography and history displayed in this performance, is declared by those who have read it, to be truly wonderful. Shortly after he had reached his eighth year, he was sent to a school at Isleworth, kept by a Dr Greenlaw, and remained there four years. I have heard him frequently describe his first arrival at the school, and several incidents attending it, in such a manner as showed him to have even then possessed great shrewdness and keenness of observation. One, in particular, struck me at the time as illustrative of his stern sense of right, and habits of reflection, at that very early period. "I remember," said he, "that soon after I had got to school, a big boy called me aside, and told me seriously that I must prepare for a terrible flogging on Saturday morning, and that however well I behaved, it would signify nothing, for it was an old custom at the school to flog a little boy on his first Saturday, before the whole school, by way of example, and to make him behave well. I was horribly frightened at this; but the first thing that struck me, and kept me awake a good while thinking of it, was, how *unjust* a thing it was to do this; and I thought so much of *this*, that I do believe I was at length far more angry than frightened. Of course, when Saturday came, I found it had been all a joke only; but I always thought it a disagreeable and improper joke." I have several times heard Mr Smith mention this little circumstance, and I have above given many of his own expressions. He used to proceed to describe the reasonings which he had held in his own mind upon this subject, all which, he said, he vividly recollected; and it was certainly both curious and interesting to hear how he puzzled himself in trying to find out "reasons why it might be right to flog him under these circumstances." Dr Greenlaw was not slow in discovering the extraordinary abilities of the little new-comer, and used to describe them in glowing terms to his father; but would add, that, much as he admired the child's talent and diligence, he entertained a still higher opinion of the little fellow's perfect modesty, his seeming unconsciousness of his mental superiority over his companions, his honesty and simplicity of character, and, above all, his unwavering and inflexible adherence to truth on even the most trifling occasions. Every living friend of his will testify that he was thus distinguished throughout life, exhibiting that

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* See an eloquent but brief sketch, of J. W. Smith, in the *Law Magazine* for February 1846, by Mr J. G. Phillimore, of the Oxford Circuit (now M.P. for Leominster), one of his most accomplished friends.

† Lib. vi. *proëm.*

Compositum jus, fasque animi, sanctosque recessus
Mentis, et incoctum generoso pectus honesto,

which the stern moralist* declared to afford the noblest qualification for approaching the presence of the gods—

Hæc cedo ut admoveam templis, et farre litabo.

During this period, namely, from his eighth to his twelfth year, he became passionately fond of writing verses: and I have now before me, kindly forwarded by one of his relatives in Ireland, two small quarto MS. volumes, containing exclusively what he wrote during the time in question, extending to upwards of seventy or eighty pieces, some of considerable length, and in almost every kind of English verse. Their genuineness is unquestionable: and I shall quote from them in the state in which they were originally collected at the time, without the alteration of a single letter. Having completely satisfied myself on this point, and I hope the reader also, what will he think of the following evidence of the matured perception of humour displayed by a child scarce thirteen years of age? I have transcribed it *verbatim*. It is prefixed to a satirical poem of some length, entitled "Practical Morality."

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* Pers. Sat. ii. 73, 74.

Preface *loquitur*—

"Though it may appear to thee, courteous reader, that I have in all ages been considered as a vehicle of fumbling apologies and trivial excuses, a sort of go-between employed by the writer to deprecate the anger of the peruser, in short, the literary servant of all-work, whether my duty be to expatiate on the merits, or apologise for the defects of my master, or (as it often is) to claim the pity and forbearance of the mobile, and set forth in humble terms the degradations he has submitted, and is still ready to submit to, —I say, reader, though a part so servile has been assigned to me, yet, should my natural claims and intrinsic merits be duly considered, different, far different would be my station. What! am I thus exalted in situation above my [*sic*] situated, (as I may say,) in the very van, exposed to the sneer of every satirical reader and sententious critic? Am I placed in a post so dangerous, and are contempt and humiliation my only reward? Oh, mankind, where is your gratitude? Think, generous reader, on the services I have so often rendered you: think how often, when you were about to enter upon the stupendous folio, or the dull and massy quarto, four inches at least in thickness, think, O think, how often my timely, though unpromising appearance, has warned you not to encumber your brain with the incalculable load of lumber! With me, then, let the glorious work of reformation commence, restore me to the honour and esteem I so justly deserve. I, for my part, shall still continue to be a spy upon stupidity, and oft shall you receive the reward of your benevolence from my friendly and seasonable admonitions.

"Hezekiah Shortcut,
O tempora! O mores!"

The poem is in two cantos: the first of which thus opens,—

Long have I view'd the folly and the sin
  That fill this wicked globe of ours, call'd earth,
And once a secret impulse felt within
  My bosom, to convert it into mirth;

But then the voice of pity, softly sighing,
Hinted the subject was more fit for crying.

Democritus was once a Grecian sage—
  A famous man, as every one must know—
But rather fond of sneering at the age,
  And turning into laughter human woe;
Another sage, Heraclitus* to wit,
Consider'd it more wise to weep for it.

I can't determine which of them was right,
  Nor can I their respective merits see;
The subject, disputation may invite,
  But that belongs to wiser men than me.
It has already been discuss'd by one,
A better judge by far (see Fénélon.)

Verse the twelfth touches upon a topic with which its writer was destined afterwards, for a short time, to be practically familiar.

How sweet a fee unto the youthful lawyer
  Never before presented with a brief,
To whose distressing case some kind employer
  Steps in, and brings his generous relief;
Thus giving him a chance to show *that* merit
So long kept down by the world's envious spirit.

Here is the little practical moralist's advice to the ladies!—

Ye ladies, list! and to my words attend,
  They're for your good, as you shall quickly see.
Sit down by the fireside, your stockings mend,
  And never mingle spirits with your tea.
When you retire at night, put out the candle,
Discard your lap-dogs, leave off talking scandal.

When card-tables are set, you must not play
  For ought beyond the value of one shilling:
This is my firm decree, although you may,
  As ladies mostly are, be very willing.

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* The writer's extreme youth will extenuate this apparent false quantity—*if* the penultimate was treated as short. Possibly it was treated as *long;* and the limping line fashioned in imaginary conformity with such a line as—"magnum Jovis in*crē*mentum."

I bid you cease, for into debt 'twill run ye,
Do you no good, but spend your husband's money.

Husbands are fools who let their wives do so,—
  I scarce can pity when I see them ruin'd;
For when they squander all, they ought to know,
  Destruction is a consequence pursuant.
When each has turn'd his home into a sad-house,
He then finds out that he deserves a mad-house.

I do denounce, in all the songs you sing,
  The words, *sweet*, *lovely*, dear angelic charmer,
Flames, *darts*, *sighs*, *wishes*, *hopes*,—they only bring
  Thoughts to a lady which perchance may harm her.
You therefore must consider as ironic
Every expression which is not Platonic.

The whole poem is written in a droll satirical strain, and shows a great familiarity with the topics of ancient and modern literature. The rest of the volume consists of translations from Anacreon, Horace, and other Greek and Latin poets, and many original pieces; one of which latter, entitled "The Prodigal Son," thus gravely and impressively opens,—

Far from his kindred, from his country's soil,
By want enfeebled, and oppress'd by toil,
Compell'd with slow reluctance to demand
The niggard pity of a stranger's hand,
And forced, in silent anguish, to abide
The sneer of malice, the rebuke of pride:

A wretch opprest by sorrow's galling weight,
Deplored his ruin'd peace, his hapless fate.
His was such anguish as the guilty know,
For self-reproach was mingled with his woe.
He dared not fortune's cruelty bemoan—
The error, the offence, was all his own.

There are also scattered over the volume several epigrams, one of which is headed thus: "On a Lady who married her brother-in-law."

After so many tedious winters past,
The lovely S—— has caught a swain at last—

A swain who twice has tried the marriage life,
And now resolves again to take a wife.
Behold! behold *the new made* mother runs,
With ardour to embrace—*her nephew-sons!*

The second volume commences with a poem of considerable length, entitled, "Salamis," with a notice that "The foregoing poem was presented to his father, by John William Smith, January 23d, 1821, the day on which he completed his twelfth year." The following is "The Argument of Canto I:—

"Themistocles lying awake in the night, is surprised by the entrance of Aristides, who informs him that the Persian fleet had completely surrounded them. Themistocles tells him that this was effected by a device of his own, to prevent the Greeks from deserting the Straits, and sends him to Eurybiades, calls a council in the morning, in which it is resolved to attack the enemy, and the whole fleet move forward in order of battle.—Scene, the Grecian camp on the sea-shore of Salamis."

The first Canto thus opens—

Now darkness over all her veil had spread,
Save where the moon her feeble lustre shed,
When from the clouds emerging, her dim ray
Mock'd the effulgence of the lucid day.
Stretch'd on their beds, the Greeks in soft repose
Awhile forgot their harass'd country's woes.
Themistocles alone awake remain'd,
By his anxiety from sleep restrain'd;
Although the chief with labour was opprest,
His care for Greece withheld his wonted rest.
For three long hours, all had been still around,
At length he hears (or thinks he hears) a sound;
He starts, and sees a stately form advance,
Clad in bright arms, and with a shining lance,
And by the moon's faint beams, the chief descried
A Persian sabre glittering at his side.

Here follows the "Argument of Canto II—

"Mardonius is surprised by the noise of the Greeks advancing, and the hostile fleet appearing, the ships move forward to meet them.—Lycomedes takes the first galley, and consecrates the spoils to Apollo.—The acts of Eurybiades, Mardonius, and Themistocles.—

Aristides and Lycomedes landing in the Isle of Psyttalia, destroy a number of Persians stationed there, at sight of which, part of the Persian fleet gives way.—Ariamenes endeavouring to rally them, is slain.—At his death the rest of the Persians fly. The Greeks pursue them to the Attic shore, and obtain a complete victory, which concludes the Poem."

The whole poem shows a mind thoroughly imbued with Grecian history, and the action is conceived and described with considerable spirit. There are a few lame verses, here and there, but scarcely a single puerile conceit; while a perusal of the entire contents of these records of a gifted child, is calculated to surprise, by the great extent of reading displayed by its writer, and the ease and precision with which he brings it to bear upon his subject.

In the spring of 1821 he entered Westminster School, taking his place on the fourth form, which secured him an exemption from fagging. Here, again, his progress was that of a boy of first-rate abilities, great diligence, and unvarying good conduct. Two years afterwards, viz. in the spring of 1823, he gained a king's scholarship, without the assistance of a "*help*," a thing which it is believed was unprecedented. In the College, however, he could not escape *fagging;* but such was his independent spirit, that he refused to submit to it, and immediately resigned his hard-won scholarship, with all its prospects. His father was somewhat nonplused by this occurrence; and presently sent him to a school at Blackheath, kept by the present rector of Woolwich, the Rev. William Greenlaw, a son of his former master, Dr Greenlaw. The Blackheath school contained no fewer than seventy-two boys, many of them on the eve of quitting for the universities; but as soon as John William Smith made his appearance, he was not only recognised as being far superior to them all, but equally well read with the ushers; and he consequently read with Mr Greenlaw himself, alone! being then, it will be recollected, little more than fourteen years of age! He wrote every species of Latin verse with the utmost facility—of which he gave, on one occasion, a proof not yet forgotten by his schoolfellows: for, one evening, shortly after going there, he wrote all the Latin verses for the entire school, from the highest to the lowest—in all metres, and on every variety of subject. This feat was lately communicated to me by one of his then schoolfellows; and I also recollect him once mentioning the subject to me himself; adding, if I recollect correctly, that there was not a blunder found in any of the verses which he had written. During his vacations he visited France, and mastered the French and Italian languages, with both of which, up to the period of his death, he continued perfectly familiar, and partial to the writers of both. About this time he began to cast about for a profession; and entertained the notion of either going out to India, in a military capacity, or entering Woolwich Academy as a cadet. His father persuaded him to relinquish the former step, but assented to his adopting the latter; and he paid close attention to engineering. He has often expressed to me the delight he took in studying *fortification;* adding, that he had sometimes regretted having abandoned that line of life, for that he fancied he should have been successful in it. His father would have procured him an appointment in conformity with his wishes, had not his views concerning him been changed by his friend, the Right Honourable Sir George Fitzgerald Hill, then Vice-treasurer of Ireland, who gave his son an appointment in the Vice-treasurer's office at Dublin Castle. Sir George quickly detected the superior talents and acquirements of young Smith, and became much attached to him; evincing peculiar satisfaction in conversing with him, and listening to his quaint, exact, pithy answers to questions proposed to him. About this time he was smitten with the love of Lord Byron's poetry, which he devoured with avidity, and his own love of verse-writing revived. He became, indeed, very anxious to excel in poetry. He was soon tired of his official duties, and resigned his situation in favour of his brother, who at this moment fills a responsible office in the same department in Dublin Castle.

In the year 1826, being then in his seventeenth year, Mr Smith entered Trinity College, Dublin, where his whole career was, as might have been expected, one of easy triumph. He constantly carried off the highest classical premiums, and occasionally those in science, as well as—whenever he tried—for composition. In 1829, he gained a scholarship, and in the ensuing year obtained the highest honours in the power of Trinity College to bestow, namely, the gold medal for classics. He thought so little, however, or distinctions gained so easily, that he either forgot, or at all events neglected, even to apply for his gold medal till several years afterwards; when, happening to be in Dublin, and conversation turning upon the prize which he had obtained, he said, in a modest, casual kind of way, to a friend, " By the way, I never went after the medal; but I think, as I'm here, I'll go and see about it." This he did, and the medal was of course immediately delivered to its phlegmatic and oblivious winner! He was a great favourite at college, for he bore his honours with perfect meekness and modesty, was kind and obliging to all desiring his assistance, and displayed, on all occasions, that truthful simplicity and straightforwardness of character, which, as we have already seen, he had borne from his birth. He was much beloved, in short, by all his friends and relations; and one of the latter, his uncle, Mr Connor, an Irish Master in Chancery, confidently predicted that " John William would live to be an honour to his profession and friends." In 1829, he joined his family, who were settled in Versailles, and spent some time there. In the ensuing year, his father, who possessed a first-rate capacity for business, was appointed Vice-treasurer and Paymaster-general of the forces in Ireland, and was obliged to reside in Dublin, whither he accordingly soon afterwards repaired with his family. His son, John William, however, remained in London, having determined upon forthwith commencing his studies for the English bar: a step which his father and he had for some time before contemplated; as it appears, from the records of the Inner Temple, that he was entered as student for the bar on the 20th June, 1827, which was during his second year at Trinity College. The facility with which he not only got through the requisite studies, but obtained every honour for which he thought proper to compete, allowed of his devoting much of his attention at that time to the acquisition of legal knowledge. He procured a copy, therefore, of Blackstone; that which had appeared a year or two before, edited by the present (then Sergeant) Mr Justice Coleridge,—the only edition of the Commentaries of which he approved, and which he used to the last,—and read it through several times with profound attention, as he has often told me; expressing himself as having been charmed by the purity and beauty of Blackstone's style, his remarkable power of explaining abstruse subjects, and his perspicuous arrangement. The next book which he read was, "Cruise's Digest of the Laws of England, respecting Real Property," in seven volumes octavo, a standard work of great merit; which, while at college, he read, twice over, and continued perfectly familiar with it for the rest of his life. He also read carefully through nearly the whole of Coke upon Littleton, which he told me he found very "troublesome," and that he had expended much valuable time and attention on some of the most difficult portions, which he very soon afterwards found to be utterly obsolete, particularly mentioning those concerning "homage," "fealty," "knight-service," "wardship," &c. The above may seem a great undertaking for vacant hours at college, but will not appear to any of Mr Smith's friends to have been such to him, who read as rapidly, as he attended closely to, and tenaciously retained what he had read. It may here be mentioned, that in this particular, viz. reading law at college, Mr Smith resembled Sir William Follett, who also devoted himself with ardour to the study of the law when at Cambridge, but did *not*, like Mr Smith, also gain the highest college honours; for Sir William never competed, or at all events never obtained college honours of any kind. Mr Smith commenced keeping terms at the beginning of 1830; and it was at the mess-table of the Inner Temple Hall that I, who had also shortly before come up from Edinburgh University for the same purpose, first had the happiness and the honour of becoming acquainted with my late distinguished friend. He was then in about his twenty-first year.

I distinctly recollect the first time of our meeting, which was at the aforesaid mess-table; and that his appearance struck me as that of a bashful and awkward person, dull and taciturn, with a formal precise way of speaking, and a slight abruptness of manner. If Lord Bacon's saying be correct, that a good face is a *letter of recommendation*—poor John William Smith may be said to have come without a character! How little did I dream of the bright jewel hid in so plain and frail a casket: how often have I felt ashamed of my own want of discernment: what a lesson has it been never again to contract any sort of prejudice against a man from personal appearance! It was not till I had known him for nearly a year, owing partly to our unfrequent meetings, and his absence, that I began to be sensible of his superior talents and acquirements.

His personal appearance was, it must be candidly owned, certainly insignificant and unprepossessing. He was of slight make, a trifle under the middle height, his hair was rather light, and his complexion pale. He wore spectacles, being excessively near-sighted, and had a slight cast in his eyes, which were somewhat full and prominent. The expression of his features, at all events when in repose, was neither intellectual nor engaging, but improved when he was animated or excited in conversation. His forehead, however, was, though retreating, lofty, and I have heard it characterised as intellectual. At the time of which I am speaking, he used to wear a white hat, placed so far back on his head, that it gave him, to a stranger, almost a ludicrous aspect. His utterance was slow, his demeanour solemn; and he would sit at dinner for a long time silent, till you would be surprised by his bursting into a short, sudden, but hearty laugh, when anything had been said which tickled his fancy; for I found out before long, that he had a great taste for the ludicrous, an exquisite perception of humour. When he shook hands with you, he placed his cold hand into yours, like a dead man's hand—even with his most intimate friends—instead of greeting you with a hearty cordial grasp or pressure.—How long, again, this little circumstance misled me as to his supposed insensibility to the claims of friendship or affection! whereas the reverse was the case; for he was a most firm and devoted friend, and of an exquisite delicacy and sensitiveness of feeling.

He did not, at first, as the phrase is, *make way* with his companions, nor appear desirous of doing so. I recollect, on one occasion, that he and I remained the last at the dinner-table; and, though he sate opposite to me for some minutes, thoughtfully balancing his wine-glass in his hand, an empty decanter being between us, he spoke not a syllable; and I was watching him (his eyes being directed towards the floor) with an amused curiosity, on account of his apparent eccentricity, when he suddenly said, " Mr Warren, will you take a walk with me up Regent Street, or anywhere else, as it is such a fine evening?" What passed through my mind, on being thus unexpectedly encountered, was, " Well—he's a curiosity, and seems to know no one—so I will;" and having said as much, we rose. He walked down the hall, and we took off our gowns in the ante-room, and quitted the building, without his having uttered a syllable! I recollect feeling almost inclined to be offended. We then walked about the town till nearly nine o'clock, and I think he talked a little about France, and we compared notes together concerning Dublin and Edinburgh Universities. I quitted him, musing upon his quaint manner, and his solemn precision of language: but nothing that had passed between us gave me the idea of his being a person of superior ability or acquirements. He was, indeed, a shy and modest man. It was not, for instance, till after a seven years' intimacy, that I knew of the distinction which he had obtained at college; and on my asking him, one day, whether it was true that he had obtained the gold medal, he blushed, slightly moved his head aside, and, after a pause, said, in a tone rather even of displeasure than gratification, "Possibly I did!" and we dropped the subject.

In the year 1830, he entered the chambers of Richard Grainger Blick, Esquire, then one of the most eminent special pleaders in the Temple, and who has assured me, that he always considered Mr John William Smith to be a remarkable man. Probably there never before entered the chambers of pleader or barrister, in the character of novice, a man of more formidable legal aptitude and acquirements. We have already seen the substantial and extensive character of his law-reading at college; but, between leaving it, and entering Mr Blick's chambers, Mr Smith had read carefully over "from cover to cover"—such were his words to me—"Tidd's Practice," a standard book, in two closely printed, large octavo volumes, and also "Selwyn's Nisi Prius," in two similar volumes. He had not been long in chambers before he found that "he had not a sufficient knowledge of pleading, to get any benefit from the business, which he saw;" wherefore he absented himself from chambers for some time, to enable him to read through the first volume of "Mr Chitty's Treatise on Pleading;" and some time afterwards he again withdrew, for similar reasons, to read "Phillips on Evidence." Having obtained such an acquaintance with these two works, as to a person of inferior intellect or discipline might seem a complete mastery, he returned to chambers, able better to avail himself of the advantages afforded by Mr Blick's extensive practice; frequently surprising that gentleman by his mental vigour, and accurate and extensive legal knowledge. "I was very cunning," he has more than once said to me, "at chambers; for I soon saw how to go to work, better than the other pupils. They would be all for the 'heavy papers,' the great cases that came in, not caring for the shoal of small things that were continually appearing and disappearing. Now it seemed to me, that *these* constituted three-fourths of a lawyer's business, and that to be able to do *them*, was three-fourths of the battle: so I quietly let my fine gentlemen take all the great papers, while I did nothing but these same despised common things, till at length I really began to feel that I was improving, and learning a good deal of law. But as to the other sort of cases and papers, as soon as my fellow-pupils had done puzzling their brains over them, and written the opinions, or drawn the pleadings, and Mr Blick had revised them, and given them his *imprimatur*, I *then* read them over diligently, and with great profit: but you must remember that this was before the late revolution in pleading." All this he repeated to me one day, only a few months before his death.

He never studied under any other practitioner than Mr Blick, with whom, moreover, he spent only one year; yet such was his close application, his wonderful memory, his clear, vigorous, and disciplined understanding, and the soundness and extent of his previously acquired law, that on quitting Mr Blick, Mr Smith was really an able pleader, and had laid the basis of an extended, profound, and scientific knowledge of the law. Even at that early period, I frequently heard his opinion deferentially asked by men far his seniors, and of considerable standing in business. On quitting Mr Blick, Mr Smith read a number of other law books, in his usual attentive and thorough manner, completely mastering both them and the "cases" contained in them, and of which, generally speaking, they were little else than digests or epitomes. He was a keen and acute logician, and felt great satisfaction in balancing the *pros* and *cons* of the reported cases, and testing the soundness of the judges' decisions, and the relevancy and force of the arguments of counsel which had led to them. Among the books he read about this time, he enumerated to me "Sanders on Uses and Trusts," (a difficult book, he said, to master practically); "Fearne on Contingent Remainders," which he represented as likely to prove interesting to *any* educated man of intellect, fond of exercising it, who would take the trouble to read it; Sir Edward Sugden's* Treatises on "Vendors and Purchasers of Real Estates," and on "Powers," and Williams' "Saunders;" while "Comyn's Digest" was ever lying before him, the subject of continual reference, and with which he soon acquired an invaluable familiarity. He also read several books on Equity with great attention, and often said, that no one, who really knew law, could fail to feel a deep interest in Equity, and the mode of its operating upon law. The "Code Napoleon," too, he read carefully, and for many years. He had a copy of Justinian's Code, and Institutes, always lying on his mantel-piece, and which he was fond of reading. We have frequently conversed together on the subject of the extensive obligations of our Common Law to the Roman Law; to which he used to refer, in the absence of the books, with great facility and accuracy. He was fond of Plautus, and would quote almost an entire scene, as accurately, and with as natural a fluency and zest, as another would have shown in reading off any of the scenes in a popular English play; often accompanying his quotations with shrewd and ingenious critical comments. He was also very fond of the French Dramatists, particularly Molière, from whom I have heard him quote entire scenes with wonderful accuracy. You might have imagined him reading from the book, as I have several times myself observed, and heard others remark; and all this he did in a perfectly natural and unobtrusive way, as if merely to relieve an over-charged mind, and give pleasure to those whom he credited with inclination and ability to appreciate the excellences which he pointed out. His memory seemed, indeed, equally tenacious of things important and unimportant; incapable, in short, of *forgetting* anything. I have heard him quote long-forgotten but once popular and laughable trash, ballads, squibs, epigrams, &c., till at length he revived in the listener such a sort of recollection of them, as made him imagine that Mr Smith must have recently committed them to memory for some special purpose, but for their appearing so really fresh and racy to him, and plainly suggested by the casual current of conversation.

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* Now Lord St Leonards.

He was, about this time, and for years afterwards, a frequent visitor at my house; and never was any one, independently of my personal regard for him, more welcome; for his conversation was always that of a ripe and varied scholar, and fastidious *gentleman.* He was ever gay and animated as soon as he had recovered, which he quickly did, from the exhaustion of a long and severe day's work, and his fund of anecdote appeared inexhaustible. Never was any man further removed from being that insufferable social nuisance, a professed talker. Display of any kind was quite foreign to his nature; and whenever he chanced to encounter a person cursed with that propensity, he would sit in silence for a whole evening: not in the silence of vexation or pique, but of a man left at leisure to pursue his own thoughts, or calmly amuse himself with the characteristics of the chatterer. If, while thus occupied, unexpectedly interrupted, or appealed to by the aforesaid chatterer, or any one else, he readily answered, though certainly with a somewhat frigid courtesy. It was impossible for any one, of the least powers of observation, to fail of detecting in Mr Smith, though beneath a reserve and formality not easy to penetrate, a kind of scrupulous antique courtliness, suggesting to you a resuscitated gentleman of the school of Addison, particularly in his intercourse with ladies. He was caution personified—never saying anything that required retraction or modification: and though you might guess the contemptuous estimate which he had formed of some particular person's character or doings, he rarely permitted himself to express it.

He would sometimes smile significantly at the recital, or witnessing, of some particular absurdity or weakness; but I think that no one ever heard him utter a hasty, harsh, or uncharitable judgment of anybody. He seemed, in fact, equally chary of giving praise or blame. No man would laugh louder, or longer, on hearing, or being told, of some signal and ludicrous miscarriage of another; but he would *say* nothing, except on rare occasions, and among his intimate friends—and even then, never anything severe or violent. Tell him, however, of anything really mean and unworthy, or let him have witnessed it, and no one could fail to see, calm and measured though Mr Smith's *language* might be, the profound contempt, or the lively indignation with which he regarded the delinquent and his delinquency. I fear, however, that I am digressing.

He and I commenced our careers as special pleaders about the same time, viz., in 1831; and not many days passed without our being at each other's chambers, borrowing one another's books, or going out to walk together, or conversing on law and other matters. I always listened to what he said on legal subjects, as to a master; he was so ready, so correct, so concise, so judicious, that his suggestions, upon any case which I mentioned to him, were very valuable; and they were given with a heartiness of good-nature that made them doubly welcome. He was delighted to assist me, or any other of his friends. We were a small circle, about that time, of some half a dozen; and I may take upon myself to say, that we all cheerfully recognised in him our superior—our *facile princeps*, from the first. Some of us set agoing a little weekly periodical, called "The Legal Examiner," to which he was a constant contributor—his papers being always characterised by point and precision, though the style was dry and stiff. It grieves me to say, that he met with no encouragement as a special pleader, consummately qualified as he was for success in that department, and scarcely ever to be found absent from his chambers; where he was at all hours, modest, patient, though sometimes a little dejected,—yet

True as the dial to the sun,
Although it be not shone upon.

I question whether, during this two or three years' bitter and disheartening probation, he made more than thirty, or at least forty, guineas; his annual certificate for leave thus to do—nothing, cost him, nevertheless, £12. Yet I never once heard him, nor, I undertake to say, did any of his friends, express fretfulness or impatience at his disheartening lack of employment. He manifested, on the contrary, a quiet fortitude that was touching to witness. I recollect him once, however, when we were conversing on the subject, saying rather pensively, "If one has not connexions, and cannot make them, it is next to impossible to get any business."

The professional public possess conclusive and enduring evidence of the admirable use which he made of his time, during the first year or two of his essaying to practise as a pleader; for in July 1834, two months after having been called to the Bar, he gave to the world a work which, as soon as it had become known, raised him to the highest rank of legal writers. The more it was read or referred to, the higher was the estimate formed of its writer's intellect and learning, alike by the Bench and the Bar; for he had most discreetly, yet boldly, chosen a subject of great difficulty and importance, properly treated by no work extant, and which gave him opportunity of supplying a long-acknowledged deficiency in professional literature. He undertook, in fact, to produce a comprehensive practical treatise, within an exceedingly moderate compass, on "Mercantile Law;" and he succeeded to admiration—did this neglected young man of scarce twenty-five years old—in producing, entirely unassisted, a work signally calculated to attain the proposed object; condensing into a small space, and with almost unerring accuracy, a great amount of exceedingly difficult law, beautifully and perspicuously arranged, so as that even laymen might read as they ran, and receive guidance in the most perplexing exigencies of business, while the ablest lawyers might safely refer to the pages of the "Compendium" for a terse and true statement of the result of many conflicting decisions, and a luminous exposition of the *principles* which ought to govern the administration of commercial law. The calm, practised skill with which this young unknown jurist moved about in these regions of subtle intricacy—*inter apices juris*—excited the cordial admiration and respect of all competent judges. He was manifestly a master of his subject; and having quietly detected important but unoccupied ground, had possessed himself of it with skill and resolution:—and this he did within little more than two years after he had quitted the scene of his solitary year's pupilage. Within six years this book has passed through three large editions; and a fourth is, it is believed, in preparation, which will comprise a great number of its departed author's own additions and emendations, continued up to within two or three months of his decease. Not only in this country, but in the United States of America, is this valuable work deservedly held, at this moment, in the highest estimation, as practically the only book of its kind. A glance at the brief Preface will suffice to show to a competent judge, whether lay or professional, at once the real and peculiar difficulty of the undertaking, the author's exact and happy illustration of the sources of that difficulty, and the simplicity and accuracy of his style.

> "The Mercantile Law is in one respect better adapted to compression than the Law of Real Property; inasmuch as the reasons upon which the former is based, can be explained more shortly than those which support the latter. The reasons upon which our Law of Real Property is founded, are, generally speaking, historical; and part of history must therefore be recounted, in order to explain them clearly and philosophically; while the Mercantile Law is deduced from considerations of utility, the force of which the mind perceives as soon as they are pointed out to it. For instance, if a writer were desirous of explaining why a rent-service cannot be reserved in a conveyance, by a subject, of lands in fee-simple, he would be obliged to shew the feudal relations that existed between lord and tenant, the nature of sub-infeudations, and how the lord was injured by them, in such his relation to his tenant, how the statute, *quia emptores* was enacted to prevent this injury; in consequence of which statute a tenure, without which no rent-service exists, cannot be raised by a conveyance from one subject to another, in fee-simple. In like manner, the explanation of a recovery, of a fine, of a copyhold, of an estate in ancient demesne, of an use, of a trust, would require a process of historical deduction. But when the reader is told, that the drawer of a bill of exchange is discharged, if timely notice be not given him of its dishonour; because, without such notice, he might lose the assets he had placed to meet it in the drawee's hands; or, that if A hold himself out as B's partner, he will be liable as such, because he might else enable B to defraud persons who had trusted him upon the faith of the apparent partnership and joint responsibility: when these reasons, and such as these, are given, every man at once perceives their cogency, and needs not be told *how*, that he may know *why*, the law was settled on its present footing. The fitness of this subject for compression is, therefore, hardly questionable. The difficulty of compressing it is, however, extreme. The author who attempts to do so, must continually keep in view a triple object, must aspire at once to clearness, brevity, and accuracy; a combination so difficult, that its difficulty may, it is hoped, be fairly pleaded in excuse for some of the deficiencies and imperfections which the reader may discover in the following pages."

After a luminous and elegant introductory account of the rapid growth and development of mercantile law, the author thus announces the convenient and comprehensive plan of his work:—

> "This treatise will be divided into four books. The first, concerning Mercantile *Persons;* the second, Mercantile *Property;* the third, Mercantile *Contracts;* the fourth and last, Mercantile *Remedies;* a method which appears the simplest and most comprehensive; since it includes under a few heads, the description of those by whose intervention trade is carried on; of that which they seek to acquire by so employing themselves; of the arrangements which they are in the habit of adopting, in order to do so effectually; and of the mode in which the proper execution of those arrangements is enforced."

A striking evidence of the value of this work, the soundness of his opinions, and the importance attached to them in the highest judicial quarters, was afforded by the first number of the Reports of the Court of Exchequer, published after his death, where (in *Tanner* v. *Scovell*, 14 *Meeson and Welshy*, 37), the Lord Chief Baron, after time taken to consider an important question of mercantile law, delivered the judgment of the Court in expressed conformity with the doctrine which Mr Smith has laid down in his "Mercantile Law," and in opposition to the opinion of the late learned Mr Justice Taunton!

To retrace our steps, however, for a moment: Mr Smith at length despaired of getting business under the Bar, and became weary of sitting a prisoner at chambers, in vain expectation of it. His rooms and mine were directly opposite to each other, on the same floor; and rarely or never was a knock heard at his door, except that of some friend coming either to ask his able and willing assistance, or chat away a weary half hour. Towards the close of 1833, he announced to his friends that he contemplated trying his fortune at the Bar, and was easily persuaded, with that view, to commence attendance at a professional debating society, called "The Forensic," which, confined to barristers and students for the Bar, and established so long ago as 1815, has numbered among its members almost every lawyer of eminence who has appeared since that year, including Sir William Follett, and Mr J. W. Smith. He entered this society on the 29th January 1834; and I well recollect his first essay at addressing it. It was upon the discussion of a legal question. He was evidently nervous when he rose, for the colour quite deserted his cheek. His manner was cold, dry, and formal, and sufficiently uninteresting and uninviting. We were all, however, soon struck by the book-like precision of his language, the clearness and closeness of his reasoning, and the extent of his legal knowledge. He spoke for about ten minutes; and, having risen amidst a half-suppressed titter, sate down amidst earnest cries of "Hear, hear, hear!" He afterwards spoke pretty regularly, especially upon legal questions; and those who, in due course, were appointed beforehand to argue against him, felt it expedient to come particularly well prepared!

Shortly before he was called to the Bar, he said to me, with a timid, dejected air, "It is a bold step; but I really don't see what else is to be done. Why should I sit any longer perishing in chambers? Besides, my 'Mercantile' Law' will be out in a month or two, and if it succeed, it may possibly give me a lift—so I shall try it." He was accordingly called to the Bar on the 2d May 1834, selecting the Oxford Circuit and the Hereford and Gloucester Sessions. "There are only two ways," I heard him say, (quoting the well-known dictum of a late able judge,) "of getting on at the Bar, Pleading or Sessions. I have failed in the former, I shall now try the latter. *Flectere si nequeo superos, Acheronta movebo!*" I was, I confess, amongst those of his friends who were not sanguine as to his prospects of success at the Bar, regarding him as unlikely to attract favourable notice in court practice. Shortly after he had attended at the Sessions, however, he began to obtain a little employment in petty cases there; and, contrary to expectation, became successful in defending prisoners: his acuteness, vigilance, ingenuity, and legal knowledge—particularly of the law of evidence—became more apparent in every succeeding case intrusted to him. In spite of the dry formality of his manner, he soon attracted the *understanding* of his hearers, exhibiting great caution and judgment in dealing with the evidence, his tenacious memory here standing him in great stead. His start at sessions, however, seemed likely to lead to nothing on the civil side at the assizes—where his reception was sufficiently disheartening. He attended regularly, nevertheless, both assizes and sessions; during his stay in town labouring with indefatigable energy in the acquisition of law. In 1835, he composed a lucid little treatise on the Law of Practice, entitled, "An Elementary View of the Proceedings in an Action at Law," distinguished by simplicity, correctness, and condensation, and calculated to give students a perspicuous view of an extremely dry and troublesome subject. This also has become a standard book. In 1836, he wrote another little work—one upon Patent Law, explanatory, in a practical way, of a statute which had just before been passed, and had effected important alterations in that department of law. He told me that "he did not like to throw a chance away," and this "might possibly get him some briefs in Patent cases;" but I suspect that in this he was disappointed. In the same year he and I occupied our long vacation in preparing together a work entitled "Select Extracts from Blackstone's Commentaries, carefully Adapted to the Use of Schools and Young Persons." We both took great pains with this book, and it has had a large sale: but for some whimsical reason or other, he would not allow his name to appear, though particular in retaining a share in the copyright.

Neglected and discouraged though he was, he continued to prosecute his studies with patient energy, appearing to me scarcely ever to spend an idle moment. He attended frequently the Courts at Westminster, and on returning to chambers would spend the rest of the day in reading the constantly-accumulating Reports, and noting their more important contents in his favourite text-books. He constantly sat up till a late, or rather early hour in the morning, and would frequently, on awaking, lie reading in bed till noon, when he would rise and take a sparing breakfast.

I recollect calling upon him one gloomy day in December, about the time of which I am writing, to ask him to accompany me home to dinner, as he generally did once or twice a-week. He suffered a martyrdom from toothache; and on this occasion had passed a miserable night from that cause, not having slept at all, and his swollen face betokened the violence of the fit. He had, nevertheless, got up much earlier than usual, to oblige one of his friends, for whom he had promised to draw some pressing and difficult pleadings, which he was finishing as I entered. When he had despatched his clerk with them, he requested me to sit down and take a cup of tea with him, as he was suffering, both from pain, and fatigue, and *ennui*. I never saw him in so desponding an humour. He promised to dine with me on the morrow, provided I would sit with him for an hour "gossiping," for he said that he could not sleep, he could not sit still, he could not read or write. I complied with his request, and stayed with him a long time. In the course of conversation, I recollect him saying, that "He supposed he was not to get on in the law; that he could not fight against the want of a connexion." I reminded him that it was surely premature to hold such language, and that he must bide his time,—when he interrupted me by saying, shaking his head, "Ah, but while the grass grows the steed starves." Presently he said, rather suddenly, "Should you be surprised to hear of my entering the Church?" "The Church!" I echoed with astonishment.—"What do you see so wonderful in the notion of my going into the Church?" said he gravely. "Do you think me unfit for it?"—"Not at all; but what I wonder at is, that you should dream of quitting the Bar."—" Why not, if I find that it will not afford me a living? Let me tell you, that I am very partial to the study of Divinity, and have read a good deal of it, much more than you would suppose. I think I should like composing sermons, though it is possible that they might not be popular; and I suppose you will not deny that Divinity is a nobler study than law?" He said much more in the same strain, which led me to believe that the subject had for some time occupied his thoughts, and that he had begun seriously to contemplate quitting the Bar—at all events, if another year should leave him as little likely to succeed in obtaining practice, as that which was on the eve of closing. Many of even his intimate friends were unaware of his partiality for Divinity, and the extent to which he had studied it; for he was reserved on such matters.

I once told him that I had read the whole of "Pearson on the Creed;" on which, in his usual cold dry way, he replied, "So have I, and carefully. I liked it much. And I'll tell you another book that I have read still more carefully, both in Latin and English—Mosheim's 'Ecclesiastical History.'" I have heard him say the same of Hooker's "Ecclesiastical Polity." We have often discussed the merits of Jeremy Taylor, Barrow, and South; the last of whom was a favourite of his. He had a surprising knowledge of the Old and New Testaments. One of his oldest and ablest friends, and whom he appointed one of his executors, recently alluded, in conversation with me, to this circumstance, adding, "Smith *read* the Bible as few but he could read it; and *remembered* it as few but he could remember it." I have occasionally myself had evidence of his exact knowledge of recondite portions of the Old Testament; but, as already intimated, he was always cautious and sparing in scriptural allusions or quotations. Since writing the foregoing sentences, a learned friend has informed me, that Mr Smith, about two years before his death, had entered into a prolonged and ardent discussion with him on the subject of the *Apostolical Succession;* insisting that no one who did not assent to that doctrine, was in reality, or could be conscientiously, a member of the Church of England. Again and again, during a considerable interval of time, whenever they met, Mr Smith pertinaciously renewed the discussion,—his friend for some time doubting whether Mr Smith had any other motive than to amuse himself with the matter as one of mere logical exercise, but being at length satisfied that he was sincerely expressing his own opinions. To a brother of this gentleman, Mr Smith became closely attached, on discovering the extent and depth of his knowledge of divinity,—a subject on which they conversed whenever they could, Mr Smith exhibiting, on all such occasions, the utmost zest and energy.

I have already intimated the extent of his acquaintance with general literature; to which it may be here added, that he possessed a correct and extensive knowledge of history, ancient and modern. He knew it, and its true uses; and was equally conversant with its minute details, and its general scope and bearing, as illustrative of the practical operation of political principles and doctrines. He always, in short, appeared to me to be a man, whose first anxiety in all matters was to obtain a thorough knowledge of details, of facts; and then experienced delight in contemplating and reflecting upon them, with a view to the discovery or detection of some leading principle of action or conduct involved in them. Such grave matters, however, did not alone occupy him; for I never saw a more eager and indiscriminate reader of even the ephemeral trash loading the shelves of circulating libraries. Scarcely a novel, play, or magazine appeared, which he did not take up, and, whenever they happened to be mentioned, show as complete a knowledge of them as if they had been worthy of it. I have often laughed at him on these accounts; he generally receiving my sallies with a sort of piqued silence, or simply saying, "It amuses me." I think that this circumstance is well accounted for by Mr Phillimore—that Mr Smith's overtasked mind found light and easy narrative, of any kind, a relaxation.

Early in the year 1835 appeared a work on legal education, in which was enforced the advantage to the student and practitioner, of early mastering, as so many *nuclei* of future legal acquisitions, a few of the "*leading cases*" in the Law Reports, which suggested to Mr Smith the idea of writing a book under the name of "Leading Cases."* He was engaged upon it from about the middle of 1835 till the early part of 1837. There was no book of the kind extant. The idea was felicitous; but much learning and judgment were requisite to work it out practically. Mr Smith proved himself, however, fully equal to the undertaking. Though in 1835 and 1836 he composed and published, as we have seen, two other minor professional works, he was all the while quietly elaborating this more important performance, the first volume of which (in large 8vo) he published in March 1837. His plan was, to select from the recognised Law Reports some of the chief cases which had been decided in the Common Law Courts, and which were of such superior importance as to have become "Leading Cases," *i. e.*, in his own words, "involving, and being usually cited to establish, some point or principle of real practical importance." Each of these he made the basis of an elaborate disquisition, in which, to continue his own explanation, "in order that the consequences of each 'Case' might be understood, and its authority estimated as easily as possible, NOTES" were "subjoined, in which were collected subsequent decisions bearing on the points reported in the text, and in which doctrines having some obvious connexion with them" were "occasionally discussed," * * * "without allowing them to digress so far from the subject matter of the text, as to distract the reader's mind from that to which they ought to be subsidiary."

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* He appended the following note to the Preface of the first edition of his "Leading Cases." After saying, "The plan of this work is believed to be new," he proceeded: "It is, however, only candid to say that it is not original; the idea having been suggested by cap. 12, sec. 6, of Mr Warren's *Law Studies*."

It is difficult to speak in terms too highly commendatory of this masterly performance—one quite of a judicial tone of investigation—and which, immediately upon its appearance, arrested the attention of all persons competent to form an opinion on the subject, as a sterling and permanent addition to the highest class of legal literature, and entitled its author to be regarded as really a first-rate lawyer. Almost all the judges, and the most eminent members of the Bar, wrote to him in terms of warm respect and approbation; and to this moment evince the same appreciation of the excellence of the work by quoting it, not more frequently in the arguments of counsel than in the most elaborate judgments delivered by the Bench. It is indeed difficult to know which more to admire—the great extent and unerring accuracy of his law, or the clearness and precision of his reasoning, rendering simple and easy of apprehension the most obscure and perplexing subjects. The "Cases" were selected with great judgment out of the many thousands contained in the Reports; and whether he confirms, or questions, or illustrates the doctrine established by the case upon which he is annotating, he exhibits the same modest freedom, masterly ease, accuracy, and subtlety of discrimination, distinctness of thought, and complete familiarity with the progress of legal decision. Every note, in short, is a model of legal analysis; and the style, also, is pure, simple, terse, and perspicuous. He dedicated this work to his former tutor, Mr Blick: and I recollect our having a long discussion upon the original terms of the dedication; which were these, "To Richard Granger Blick, Esq., this work is inscribed by his obliged friend and pupil." I suggested the insertion of the word "*former*," before "pupil:" without which, I said, it might appear that the work had been written by one still in *statu pupillari*. He was a man always difficult to convince of the impropriety of anything on which he had once determined. He quitted my chamber unconvinced by what I had said: but the dedication afterwards appeared in accordance with my suggestion. I recollect being highly amused by the pertinacious ingenuity with which he defended his own view of the case.

The fame of this work was not, however, confined to this country, but soon reached the United States of America, where it immediately met with the most flattering reception, and is at this moment accounted an established text-book, and quoted as an authority by their best writers and judges. I recollect Mr Smith one day coming to me, and asking me, with a quaint mixture of mystery, pleasure, and embarrassment, if I would "be sure not to mention to any one what he was going to tell me:" and on my promising him that I would not, he showed me a letter which he had just received from that eminent American jurist, Mr Justice Story, himself one of the most elaborate and successful legal writers of his age, and whose works are continually cited by both Bench and Bar with the utmost respect in his own, and in this country. The following is an extract from the letter in question:—"I consider your work among the most valuable additions to judicial literature which have appeared for many years. The 'Notes' are excellent, and set forth the leading principles of the various cases in the most satisfactory form, with an accuracy and nicety of discrimination equally honourable to yourself and to our common profession. I know not, indeed, if any work can be found which more perfectly accomplishes the purpose of the author. * * * I hope that your life may long be spared, so that you may be able to devote yourself to similar labours for the advancement of the learning and honour of the profession." Alas! both Mr Justice Story and Mr Smith, each a great ornament to his country, died within a few months of each other! When I congratulated my friend on this encomium, from so competent and eminent a judge, he replied modestly—"*Laudari à laudato viro* is certainly pleasing."

So great was the demand for this work, that Mr Smith's publisher urged him to proceed as quickly as possible with the second volume, which he had, in his preface to the former one, announced his intention of doing, in the event of the first portion of his labours meeting with the approbation of the profession. He accordingly at once set to work upon the second volume; and although he was beginning to have serious calls upon his time, owing principally to his having accepted the appointment, in November 1837, of Common Law Lecturer to the Law Institution, such were his energy and industry, that by the 12th of May 1838, he had succeeded in bringing out the first part of the second volume, which was fully equal in execution to the first. While, however, he was receiving with his usual modesty the congratulations of his friends on this solid addition to his reputation, he experienced a sort of *checkmate* which embarrassed and utterly confounded him; occasioning him infinitely greater annoyance and mortification than he ever experienced in his life. A highly respectable firm of law booksellers, the publishers of his "Compendium of Mercantile Law," and to whom he had also offered the publication of his "Leading Cases," which they had declined, but without having hinted the slightest objection to the principle of selecting the "Cases," which he had explained fully to them, suddenly took it into their heads, that in thus taking some few cases from "Reports" published by them, as mere texts for his masterly legal dissertations, he had been guilty of PIRACY! and they actually filed a bill in Equity against him and his publisher, to restrain them "from printing, selling, or publishing any copies of the first part of the second volume." I never saw Mr Smith exhibit such intense vexation as that occasioned him by this proceeding: he felt at once his own honour impugned, and that he might have seriously compromised the character and interests of his publisher. Such, however, was the confidence in the justice of his case felt by the latter, that he resolved to resist this attack upon his own rights and those of Mr Smith to the last; and he did so, at his own expense, and with triumphant success. The Vice-Chancellor of England (Sir Launcelot Shadwell), after an elaborate argument, refused to grant the desired injunction—expressing his decided opinion "that on the substance of the case, and on the conduct of the plaintiffs (the publishers in question), they were not entitled to the injunction which they had asked." Against this decision the plaintiffs immediately appealed to the present Lord Chancellor, Lord Cottenham, who, after another elaborate argument, and taking time to consider, delivered a luminous and masterly judgment confirming the decision of the Vice-Chancellor, triumphantly vindicating the propriety of both author and publisher's conduct, and supporting the right which Mr Smith had thought proper to exercise; and his lordship dismissed the appeal with costs.*

Thus ended, what has always appeared to me an absurd and cruel, and as the event proved, an expensive experiment, on the part of the plaintiffs. Only one of them now carries on the business, and is a gentleman of such high respectability, and also liberality in his dealings with the profession, that I feel satisfied he had really little part in this most unsatisfactory proceeding. Mr Smith's right to continue his selections from the Reports, for the purpose of annotation, having been thus established, and the excellence and importance of his labours conspicuously made known (had that, indeed, been necessary) to the entire profession, he at once proceeded with, and in due time completed the remaining portion of the second volume; and for the sake of legal science, it is to be lamented that there this admirable work ended. Mr Smith felt no exultation at the defeat of this most thoughtless and unjustifiable attack upon him, nor evinced any pleasure in the friendly congratulations showered upon him. His sensitive mind had, indeed, been thoroughly shocked by the imputation which had been sought to be fixed upon him; and the only feeling on the subject which he ever expressed to me, or appeared to entertain, was one of calm indignation. I must say that in this I think he was abundantly justified. He repeatedly told me that he should never write another book, for "that he had had quite enough of it." As it happened, he never did; nor do I think that he would ever have done so, even had his career not been cut short by death. Whenever works of solid interest and importance in general literature appeared, Mr Smith was eager to peruse them, and seldom failed in doing so. I recollect him one day borrowing from me the first volume of Mr Hallam's "Introduction to the Literature of Europe in the 15th, 16th, and 17th Centuries," which was published alone early in 1837. He read it with great interest, and reviewed it ably in "Blackwood's Magazine"—his only contribution to its pages, in the No. for May 1837.

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* The counsel for the plaintiffs was the present Vice-Chancellor Knight Bruce, the late Mr Jacob, Q.C., and Mr Russell, Q.C.; for the defendants, the present Vice-Chancellor Wigram, Mr Wilcox, Q.C., and the author of this Memoir.

He was about the same time reading largely in the State Trials, and frequently conversed with me upon their interesting character, wondering that they had so seldom been made really available for the purposes of amusing literature. He himself selected one of the trials as one possessed of peculiar capabilities, and intended to have completed it for "Blackwood's Magazine," but was prevented by his other labours. These lighter occupations, however, were soon interfered with by his appointment, as already intimated, to be Common Law Lecturer to the Law Institution in Chancery Lane, in November 1837. This he owed entirely to his own merit, and the reputation which his writings had already gained him in the profession. I knew that fears were entertained by the directors of that important institution, lest his unpopular *manner* should stand in the way of his usefulness as a lecturer; but aware of his rare intellectual and legal qualifications, they wisely resolved to try an experiment, which completely succeeded. I recollect accompanying him, at his own request, to deliver his first lecture, at the close of 1837. He was somewhat fluttered when he made his appearance before his audience, but at once commenced reading with apparent calmness, a very able introductory lecture, which soon arrested attention, and caused the committee who sat before him to congratulate themselves on their selection. He held this appointment till March 1843, during which time he delivered a great number of lectures to increasingly attentive auditories; and as he read over several portions of them to me, I am able to say that, in my humble judgment, they were of the highest value, for their clear, close, and correct exposition of some of the most difficult branches of the law. He had a great talent for communicating elementary information; and even the most ignorant and stolid of his listeners could scarce avoid understanding his simple and lucid explanations of legal principles. One series of his lectures on "The Law of Contracts" has just (1846) been published* *verbatim* from his MSS., as they were delivered, and fully justifies the opinion here expressed. He never designed them for publication, but solely for delivery to the attorneys' and solicitors' clerks, for whom the lectureship was founded; yet it is doubtful whether there be any book extant in which the difficult and extensive subject of contracts is, and that within the space of ten short lectures, comparably treated. The most youthful student, with only moderate attention, can acquire from it, in a short time, correct general notions calculated to be of infinite service to him, while able practitioners will regard it as at once concise, accurate, and practical, and evincing a thorough mastery of the subject in all its branches. In the words of his editor, "The lectures embody the chief *principles* of that branch of the law, and will be found equal to any of the former productions of the author for that clear, concise, and comprehensive exposition of his subject, which has characterised his works, and ensured the vitality of his reputation; popularising a branch of law which peculiarly affects the ordinary business of life; divesting it of the superfluities with which it is often encumbered; educing the great maxims, and broad rules by which it is moulded, and unravelling the perplexity in which an occasional conflict of judgments had from time to time involved it." I am not aware that Mr Symonds had any personal knowledge of Mr Smith, so that the more valuable is his concluding eulogium—"That the profession already ranks him as among the most gifted of its writers, and most learned of modern lawyers." As an example of the ease and precision with which he elucidated the most difficult subjects, and brought them to the level of youthful capacities, I select the following brief passage on a most practically important subject,—that of the "consideration" essential to support a valid simple contract, according to the civil law and that of England.* After explaining the doctrine of "*Nudum pactum*," he thus proceeds:—

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* In one vol. 8vo, pp. 386, Benning & Co. Fleet Street, accompanied by Notes by Jelinger C. Symons, Esq. Barrister-at-Law.

"Now, with regard to the question,—*What does the law of England recognise as a consideration capable of supporting a simple contract?* the short practical rule" [after adverting to a well-known passage in Blackstone, for which he substitutes his own definition] "is, that *any benefit accruing to him who makes the promise, or any loss, trouble, or disadvantage undergone by, or charge imposed upon, him to whom it is made*, is a sufficient consideration in the eye of the law to sustain an assumpsit. Thus, let us suppose that I promise to pay B £50 at Christmas. Now there must be a *consideration* to sustain this promise. It may be that B has lent me £50; here is a consideration by way of *benefit* or *advantage* to me. It may be that he has performed, or has agreed to perform, some laborious service for me; if so, here is a consideration by way of *inconvenience* to *him*, and of advantage to me at the same time. It may be that he has to labour for a third person at my request; here will be *inconvenience* to him, without advantage to *me:* or it may be that he has become surety for some one at my request; here is a *charge* imposed upon him: any of these will be a good consideration to sustain the promise on my part. * * *

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* But not that of Scotland. Bell's *Princip. Law of Scotland*, p. 4, (4th Edition.)

"Provided there be *some* benefit to the contractor, or *some* loss, trouble, inconvenience, or charge imposed upon the contractor, so as to constitute a *consideration*, the courts are not willing to enter into the question whether that consideration be ADEQUATE in value to the thing which is promised in exchange for it. Very gross inadequacy, indeed, would be an index of fraud, and might afford evidence of the existence of fraud; and fraud, as I have already stated to you, is a ground on which the performance of any contract may be resisted. But if there be no suggestion that the party promising has been defrauded, or deceived, the court will not hold the promise invalid upon the ground of mere *inadequacy;* for it is obvious, that to do so would be to exercise a sort of tyranny over the transactions of parties who have a right to fix their own value upon their own labour and exertions, but would be prevented from doing so were they subject to a legal scrutiny on each occasion, on the question whether the bargain had been such as a prudent man would have entered into. Suppose, for instance, I think fit to give £1000 for a picture not worth £50: it is foolish on my part; but if the owner do not take me in, as the phrase is, no *injury* is done. I *may* have my reasons. Possibly I may think that I am a better judge of painting than my neighbours, and that I have detected in the picture the touch of Raphael or Correggio. It would be hard to prevent me from buying it, and hard to prevent my neighbour from making the best of his property, provided he do not take me in by telling me a false story about it. Accordingly, in the absence of fraud, mere *inadequacy* of consideration is no ground for avoiding a contract." *

Those who are acquainted with the practical difficulties of this subject, will best appreciate the cautious accuracy, and yet elementary simplicity and clearness, which characterised his teaching: he being then, be it remembered, little more than twenty-eight years of age.

His writings having thus led to his being placed in a situation where he had ample opportunities for exhibiting legitimately to the profession his great legal acquirements and abilities, it was not long before he became sensible of making his way, but gradually, nevertheless, into business. He had given up practising at sessions some time before, and resolved thenceforth to address himself entirely to civil business in London, and at the Assizes. The late Mr Robert Vaughan Richards, Q.C.,† then one of the leaders of the Oxford Circuit, and himself an eminent lawyer and accomplished scholar, was one of the earliest to detect the superior qualifications of Mr Smith, and lost no fair and legitimate opportunity of enabling him to exhibit his abilities, by naming him as an arbitrator, when the most important causes at the Assizes had been agreed to be so disposed of; and he invariably gave the highest satisfaction to both parties—the counsel before him, in arbitrations both in town and country, finding it necessary to conduct their cases as carefully as if they were before one of the astutest judges on the Bench. Though many important causes were thus referred to him, and were attended by some of the most experienced members of the Bar, I am not aware of any instance in which his decisions were afterwards reversed by, or even questioned before, the Courts. When once he had obtained a fair "start" on his circuit, he quickly overcame the disadvantages of a person and manner which one *might* characterise more strongly than as unprepossessing. Few cases of great importance were tried, in which Mr Smith was not early engaged; and the entire conduct of the cause, up to the hour of trial, confidently intrusted to his masterly management. Amongst many others may be mentioned the great will case of *Panton* v. *Williams*, that of James Wood of Gloucester, and other well-known cases. He was, without exception, one of the ablest *pleaders* with whom I ever came into contact: equally quick, sure, and long-headed in selecting his point of attack or defence with reference to the ultimate decision, skilfully escaping from difficulties, and throwing his opponent in the way of them, and of such, too, as not many would have had the sagacity to have foreseen, or thought of speculating upon.

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* Pp. 88–96.

† To this gentleman he dedicated, in 1843, the third edition of his "Mercantile Law." Within a very few months of each other, both of them died—Mr Richards himself having, as he once told me, ruined his health by his intense and laborious prosecution of his profession, from which he had found it necessary to retire a year or two before his death. His brother, also, Mr Griffith Richards, Q.C., a very able member of the Chancery Bar, recently died under similar circumstances.

A recent volume of the Law Reports contains a case which, though his name does not appear in it, attests his appreciated superiority. It involved a legal point of much difficulty, and was so troublesome in its facts as to have presented insuperable obstacles to two gentlemen successively, one under the Bar, the other at the Bar, and both eminent for their knowledge and experience. Their pleadings were, however, successfully demurred to; and then their client was induced to lay the case before Mr Smith, who took quite a new view of the matter, in accordance with which he framed the pleadings; and when the case came on to be argued by the gentleman, (an eminent Queen's Counsel,) who recently mentioned it to me, he succeeded, and without difficulty. "I never," said he, "saw a terribly be-puzzled case so completely disentangled—I never saw the real point so beautifully put forward: we won by doing little else than stating the course of the pleadings; the Court holding that the point was almost too clear for argument." I could easily multiply such instances. Mr Smith had a truly astonishing facility in mastering the most intricate state of facts; as rapidly acquiring a knowledge of them, as he accurately and tenaciously retained even the slightest circumstances. He seldom used precedents (often observing that "no man who understood his business needed them, except on very special occasions"); and, though a rapid draughtsman, it was rarely, indeed, that he laid himself open to attack in matters of even mere formal inaccuracy, while he was lynx-eyed enough to know those of his opponents. When *he* was known to be the party who had demurred, his adversaries began seriously to think of *amending!* When his cases were ripe for argument *in banc*, he took extreme pains to provide himself with authorities on every point which he thought it in the least probable might be started against him by either the Bench or the Bar. I told him, on one of these occasions, that I thought "he need not give his enemy credit for such far-sighted astuteness."—"Oh," said he, quickly, "never undervalue an opponent: besides, I like turning up law—I don't forget it, and, as Lord Coke says, it is sure to be useful at some time or another."

In Court, he was absorbed in his case, appearing to be sensible of the existence of nothing but his opponent and the Bench. He was calm and silent, rarely if ever interrupting, and then always on a point proving to be of adequate importance. He did not take copious or minute notes on his brief, but never missed anything of the least real significance or moment. When he rose to speak, his manner was formal and solemn, even to a degree of eccentricity calculated to provoke a smile from the hearers. His voice was rather loud and hard, his features were inflexible, his utterance was exceedingly deliberate, and his language precise and elaborate. His motions were slight, and, such as he had, ungraceful;

for he would stand with his right arm a little raised, and the hand hanging down passively by his side for a long time together, except when a slight vertical motion appeared—he, the while, unconscious of the indication—to show that he was uttering what he considered very material. When a question was put to him by the judges, he always paused for a moment or two to consider how best he should answer it; and if it *could* be answered, an answer precise and pointed indeed he would give it. He afforded, in this instance, a contrast to the case of a gentleman then at the Bar, about whom he has often laughed heartily with me. "Whenever," said he, "the judges put a question to ——, however subtle and dangerous it may be, and though he evidently cannot in the least degree perceive the drift of it, before the words are out of their mouths, he, as it were, thrusts them down again with a confident good-humoured volubility, a kind of jocular recklessness of law and logic, which often makes one wonder whether the judges are more inclined to be angry or amused; nay, I have once or twice seen one of them lean back and laugh outright, poor —— looking upon that as an evidence of his own success!" How different was the case with Mr Smith, is known to every one who has heard him argue with the judges. Nothing consequently could be more flattering than the evident attention with which they listened to him, and most properly; for he never threw away a word, never wandered from the point, and showed on all occasions such a complete mastery of his facts, and such an exact and extensive knowledge of the law applicable to them, as not only warranted but required the best attention of those whose duty it was to decide the case. His manner was respectful to the Bench, without a trace of servility; and to those associated with him, or opposed to him, he was uniformly courteous and considerate. When he had to follow his leader, or even two of them, he would frequently give quite another tone to the case, a new direction to the argument, and draw his opponents and the judges after him, unexpectedly, into the deeper waters of law. He was also distinguished by a most scrupulous and religious fidelity and accuracy of statement, whether of cases or facts, and documents, especially affidavits. The judges felt that they might rely upon every syllable that fell from him; that he was too accurate and cautious to be mistaken, too conscientious to suppress, garble, mislead, or deceive, with whatever safety or apparent advantage he might have done so.

I have heard him say, that he who made rash and ill-considered statements in arguing in a court of justice, was not worthy of being there, and ought to be pitied or despised, according as the fault arose from timidity and inexperience, or confirmed carelessness or indifference, or fraudulent intention to deceive. It was in arguing before the court *in banc*, that Mr Smith so much excelled; being equally lucid in stating and arranging his facts, logical in reasoning upon them, and ready in bringing to bear on them the most recondite doctrines of law. He was certainly not calculated to have ever made a figure at Nisi Prius; yet I recollect one day that one of the present judges, then a Queen's Counsel, was talking to me in Court as Mr Smith entered, and said, "What think you? your friend Smith has been opposing me to-day in a writ of inquiry to assess damages in a crim. con. case." I laughed. "Ay, indeed,—I thought myself that if there was a man at the Bar more unfit than another for such a case, it was Smith; but I assure you that he conducted the defendant's case with so much tact and judgment, that he reduced my verdict by at least £500! He really spoke with a good deal of feeling and spirit, and when the jury had got accustomed to him, they listened most attentively; and the result is what I tell you."

Following the course of his professional progress, in 1840 Mr Smith was appointed a revising barrister for one of the counties on his circuit, by Mr Baron Alderson, who was personally a stranger to him, and named him for the office solely on account of his eminent fitness for the post. He held it for several years, giving unmixed satisfaction to all parties, until precluded from further retaining it, in consequence of changes in the revising arrangement effected by the late statute.

On one occasion, while he was waiting, apparently in vain, for the chance of professional employment, and not long before the occurrence of that moment of despondency already mentioned, when he contemplated quitting the profession, he and I were walking in the Temple Gardens, and he said, " Now, if I were to choose my future life at the Bar, I should, of all things, like to have, and should be delighted with, a first-rate pleading business; not made up of many petty things, but of a few important cases,—of 'heavy business,' in short. I feel that I could get on well with it, and that it is just the thing suited to me. It would exercise my mind, and also secure me a handsome income, and, before long, an independence. What I should do *then*, I don't know." His wishes were amply gratified a few years afterward, as the reader must have already seen. So rapidly, indeed, did the calls of private practice increase upon him, that he was forced, early in 1843, to resign his lectureship at the Law Institution, having, in fact, got fairly into the stream of his desired "first-rate pleading business" to an extent which heavily taxed both his physical and mental energies. Whatever was brought to him, he attended to thoroughly, never resting till he had completely exhausted the subject, and contemplated it from every point of view. Even at this time, however, it would be incredible to what an extent he obliged his friends at the Bar, principally by preparing for them arguments, and sketching for them "opinions" on their cases, and these, too, generally of special difficulty and importance. Some of the most admirable arguments delivered by others of late, at the Bar of the House of Lords, had been really prepared by Mr Smith. In one instance, indeed, I recollect hearing the ablest living lawyer and advocate mention, that in a particular cause of great magnitude, not having found it possible even to open his ponderous brief before he was called upon to argue, he had time, before he rose, barely to glance over a brief "epitome" of the facts, and of the *real*, though unsuspected point in which the case ought to be decided, which had been prepared for his assistance by Mr Smith. In confident reliance upon his accuracy in matters both of fact and law, the counsel in question boldly opened the case, implicitly adopting, and ably enforcing Mr Smith's view of it, and succeeded in obtaining the judgment of the House. Mr Smith never spoke, however, of these his subsidiary labours to others, nor liked ever to have any allusion made to the subject.

It was impossible that he could get through all this business without sitting up during most of the night; and I know that, for the last three or four years of his life, he was rarely in bed before two, and sometimes three, and even four o'clock, having to be, nevertheless, at Westminster, or Guildhall, as early as ten o'clock, or half-past nine, on the ensuing morning. While thus arduously engaged, he kept a constant eye upon the progress of the decisions of the various courts, as bearing upon his "Mercantile Law," and "Leading Cases," interleaved copies of which always lay on his table before him, and received almost daily MS. additions. Thus it was that he was able, in 1841 and 1843, to present new editions of his "Leading Cases," and "Mercantile Law," greatly enlarged and improved, and in many instances, especially in the "Leading Cases," entirely remodelled. Nor was he, with all this, so absorbed as to forget literature: for, amidst his piles of opened law-books, you might often see a well-used copy of some classic English, French, Spanish, or Italian author, either prose or poetry, which he would read with equal zest and attention, as his pencil-marks in such volumes attest. As for "Don Quixote," and "Gil Blas," I really think he knew them almost off by heart, in the originals. He was also fond of Tacitus, Cicero, and Demosthenes, from all of whom, as well as the other leading classics, but especially the two latter, he could quote to a surprising extent, and with signal accuracy — a fact well known to all his friends. Of this, indeed, Mr Phillimore* has given a striking instance, in his sketch of Mr Smith in the "Law Magazine." After observing that "his memory was, indeed, astonishing, and the feats which he performed with it were incredible; that the writer had heard him repeat, successively, scene after scene from a French vaudeville, — the Record in an Action filling up the '&c.'s," and a passage from a Greek orator, without the least apparent difficulty or hesitation," Mr Phillimore proceeds to say, that the passage in question "was one of the finest in the Greek language, being in the speech of Æschines, which the most celebrated effort of the genius of Demosthenes was required to answer; when, after adjuring the Athenians not to raise a trophy to their own loss and shame, nor awaken in the minds of their confederates the recollection of their misfortunes, he proceeds — '*ἀλλ' έπειδὴ τοις σώμασιν οὐ παρεγὲνεσθε, ἀλλὰ τᾶις γε διανοίαις αποβλεψατ' αὐτῶν ἐις τὰς συμφορας,*' &c., down to the words, '*ἐπισκὴπτοντας μηδενὶ τρόπῳ τὸν τῆς ἑλλάδος αλιτήριον στεφανοῦν.*' — the writer well remembering that Mr Smith insisted particularly on the extraordinary force and beauty of the word '*ἐπισκηπτοντας.*'" I, also, have often heard him quote long passages from the Greek dramatists, particularly from "Aristophanes," really *impromptu*, and with as much facility and vivacity as if he had been reciting English.

I have already intimated that he read many of the new publications of the day. One of these was Mr Macaulay's "Lays of Ancient Rome," with which he was much amused, saying that "some of them were very clever and spirited;" and, after reading them, he sate down one evening and wrote a humorous parody on them, which he showed me, entitled, "Lay of Gascoigne Justice," prefaced by an "Extract from a Manuscript of a Late Reporter," who says, "I had observed numerous traces, in the old reports and entries, of the use of *Rhythm* in the enunciation of legal doctrines; and, pursuing the investigation, I at length persuaded myself that, in the infancy of English law, the business of the court was transacted *in verse*, or, at least, rhythm, sometimes without, but on grand and solemn occasions with, the aid of music; a practice which seems to have been introduced by the ecclesiastical advocates." After a humorous argument in support of this notion, he concludes: "The following attempt to restore certain of these *Lays of Ancient Law* is conceived, as the original lays themselves probably were, partly in bad English, partly in Dog-Latin." Then follows the "Lay of Gascoigne Justice, Chanted by Cooke and Coke, Serjeants, and Plowden, Apprentice in the Hall of Serjeants' Inn, A.D., 15—." The subject of the Lay was a certain highway exploit of Prince Harry, Poins, and Peto. Poins gets into trouble, being brought incontinently before Gascoigne Justice, "presiding at the Bailey." The concluding verses contain a just satire on certain gross defects in the administration of criminal justice, which have been only very recently remedied:—

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* Law Magazine," N. S. Vol. lxx. p. 183.

"When Poins he spied, ho, ho! he cried,
The caitiff hither bring!
We'll have a quick deliverance,
Betwixt him and the King:

And sooth he said, for justice sped
In those days at a rate
Which *now* 'twere vain to seek to gain,
In matters small or great.

* * * *

For sundry wise precautions,
The sages of the law
Discreetly framed, whereby they aimed
To keep the rogues in awe.

For lest some sturdy criminal
False witnesses should bring—
His witnesses were not allowed
To swear to any thing.

And lest his oily advocate
The court should overreach,
His advocate was not allowed
The privilege of speech.

Yet such was the humanity
And wisdom of the law!
That if in his indictment there
Appeared to be a flaw,

The court assigned him counsellors,
To argue on the doubt,
Provided he himself had first
Contrived to point it out.

Yet lest their mildness should perchance
Be craftily abused,
To shew him the indictment they
Most sturdily refused.

But still that he might understand
The nature of the charge,
The same was in the Latin tongue
Read out to him at large.

'Twas thus the law kept rogues at awe,
Gave honest men protection,
And justly famed, by all was named,
Of '*wisdom the perfection!*'

But *now* the case is different,
The rogues are getting bold—
It was not so, some time ago,
In those good days of old!"

It may be gathered from what has gone before, that Mr Smith's mind was one of equal *activity* and strength. His physical energies might flag, but never those of his mind. He was always ready to pass from protracted and intense professional study and exertion, to other kinds of mental exercise—"from gay to grave, from lively to severe" — either reading general literature, or amusing himself with slight affairs such as the foregoing; or, as soon as a little leisure had recruited his spirits, entering with infinite zest into superior conversation on almost any topic that could be started. He was for a long time shy and distant to strangers; but was quite a different person at the tables, and in the company, of his old friends and companions. There certainly never sate at *my* table a man who, when in the humour, could supply for hours together such genuine fun and amusement as Mr Smith. Our children were always glad to see him, for he was patient and gentle with them, and contrived really to entertain them. Towards ladies, his manner was always most fastidiously delicate and courteous. There was, if I may so speak, a smack of days gone by—a kind of antique and rather quaint gracefulness of demeanour and address, which I used frequently to contemplate with lively interest and curiosity. When he returned from dining out, to his chambers, he would light his candles, and, instead of going to bed, sit up till a very late hour; for not only had he much to get through, but was a bad sleeper. A few years before his death, he had become a member of the Garrick Club, which was ever after his favourite resort, and was also frequented by several other members of the Bar. He delighted to take a friend or two to dinner with him, and would entertain them most hospitably, and with increasing frequency, as his means became rapidly more ample. He was also fond of the theatres, taking special delight in comedies and farces, however broad, and even pantomimes. With what solemn drollery he would afterwards dwell on the feats of Clown and Pantaloon! I am here, however, speaking of several years ago; for latterly he said, "It was a hard thing to find any thing to laugh at in a pantomime, however much one tried!"

During the years 1842, 1843, and 1844, his practice continued steadily increasing, and that, too, in the highest and most lucrative class of business — not only before special juries at Nisi Prius, and the Courts in Banc and in Error in the Exchequer Chamber, but in the Privy Council and the House of Lords. Before the last tribunal, in particular, he appeared as one of the counsel in the O'Connell case, on behalf of Mr O'Connell and his companions. His time was now incessantly occupied, by day and night; his slight intervals of relaxation necessarily becoming fewer and fewer. His evenings, indeed, were almost always occupied with arbitrations, consultations, or preparing those pleadings and writing those opinions which his constant attendance in the Courts prevented his *then* disposing of. His friends saw with pain how grievously he was overtasking his strength, and earnestly importuned him to give himself more intervals of relaxation—but in vain. For nearly two years before his death, his haggard countenance evidenced the direful havoc which he was making of a constitution never of the strongest. Sir William Follett and he were both sitting at the bar of the House of Lords, on one of the latest days of the hearing of Mr O'Connell's case, each within a yard or two of me. Two death-doomed beings they looked, each, alas! having similarly provoked and accelerated his fate. On the same afternoon that Sir William Follett had leaned heavily and feebly on my arm, as he with difficulty retired from the Bar, I went home in a cab with Mr Smith, who sate by me silent and exhausted, and coughing convulsively. I repeatedly conjured him to pause, and give his shattered health a chance of recovery, by retiring for a few months, or even for a year or two, from the excitément and wasting anxieties and exertions of business; but he never would listen to me nor to any of his friends. "It is all very well," he said to me several times, "to talk of retiring *for a while;* but what is to become of one's business and connexion in the mean time? You know it will have melted away for ever." He had, however, been persuaded to consult a physician of experienced skill in cases of consumption; who, after having once or twice seen him, sent a private message to the friend who had prevailed on Mr Smith to call upon him; and on that friend's attending the physician, he pronounced the case to be utterly hopeless; that it might be a matter of months, even; but Mr Smith ought to be prepared for the worst, and apprised of his situation. His friend requested the physician to undertake that duty, assuring him of his patient's great strength of mind and character; but he declined.

Mr Smith spent the long vacation of 1844 with his brothers and sisters in Ireland. They were shocked at his appearance, and affectionately implored him not to return to England, or attempt to resume his professional duties; but in vain. While staying in Ireland, he regretted the fast flight of time, evidently clinging to the society of his brothers and sisters, to the latter of whom he was most devotedly attached; but bleak, bitter November saw him again established at the Temple, and fairly over head and ears in the business of the commencing term. He attended the courts as usual; went out in the evenings to arbitrations and consultations as of old; dined also at the Garrick as before; and sat up as late at nights as ever. We all sighed at this deplorable infatuation; but what could we do? He was a man of inflexible will, and a peculiar idiosyncracy. Remonstrance and entreaty, from the first useless, at length evidently became only irritating. Not a judge on the Bench, nor a member of the Bar, but regretted to see him persist in attending the courts; where he sat and stood, indeed, a piteous spectacle. He resolved on going the Spring Circuit in 1845, being retained in some of the heaviest cases tried there. Shortly before this, the friend already referred to resolved to perform the painful duty of telling him, that in his physician's opinion there was not a ray of hope for his recovery; a communication which he received with calmness and fortitude. To his brother's entreaties, about the month of June, that he would either go abroad, accompanied by one of his brothers or sisters, or allow the latter to come and live with him in a house a little removed from town, he steadily turned a deaf ear. He evidently knew that it was useless; and spoke of his desperate state as calmly as he would have done in referring to the case of a mere stranger. It is believed that his sole reason for refusing to permit one of his sisters to come over, was his fond and tender regard for her — a reluctance to permit her to witness him waste away, injuring in vain her own health and spirits. About this time, he said to his brother, quietly, but sadly, that "he feared his sisters would soon have to bear a severe shock!" He sat in his chambers, which were within only a few yards' distance from the Temple Church, on the day of Sir William Follett's funeral. He heard the tolling of the bell, and from his window* he could have seen much of that solemn ceremonial. What must have been his feelings? This was on the 4th July; and five days afterwards, (viz., on the 9th), poor Mr Smith appeared, I believe for the last time in the Court of Exchequer, during the post-terminal sittings in Trinity vacation, to argue a demurrer! I was present during part of the time. What a dismal object he looked, while addressing the Court! We drove up to the temple together. He had argued the case of Bradburne *v.* Botfield (reported in 14 Meeson and Welsby, 558), the last time that his name appears in the Reports. It was a nice question, as to whether certain covenants in a lease were joint or several: his argument was successful, and the Court gave judgment in his favour. The next day he said to me, speaking of this occasion, "The judges must have thought me talking great nonsense: I was so weak, that it was with great difficulty I could keep from dropping down, for my legs trembled under me all the time violently, and now and then I seemed to lose sight of the judges." Yet his argument was distinguished by his usual accuracy, clearness, and force of reasoning.

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* His chambers were No. 2 Mitre Court Buildings, to which he had removed from No. 12 King's Bench Walk, about two years before.

Nobody could prevail upon him to abstain from going the summer circuit. He went accordingly, and unless I am mistaken, held several heavy briefs. When the northern circuit had closed, I joined my family at Hastings; and found that Mr Smith was staying at the Victoria Hotel, St Leonards. I called upon him immediately after my arrival. His appearance was truly afflicting to behold. Consumption had fixed her talons still deeper in his vitals. He sat in an easy chair, from which he could not rise without great effort; and he expressed himself as delighted that I and another of his oldest friends happened to have established ourselves so near him. He was quite alone — no friend or relative with him; several briefs, &c. lay on his table, together with the most recent numbers of the Reports, one or two law text-books, and works on general literature. A Bible also lay in the room, with several papers placed within the leaves. Nothing could exceed the attention paid to him by the landlady and her daughter, and the servants; but he gave them little trouble. His cough was much aggravated, as were the wasting night-sweats; and he could walk only a few steps without assistance. Soon after having got to Hastings, I was summoned away to attend a court-martial at Leeds, which kept me there for upwards of a fortnight. On my return, Mr Smith expressed a lively anxiety to hear from me a detailed account of "how the military managed law." He seemed never tired of hearing of those "curious proceedings," as he styled them.

I spent nearly two hours a day with him during the remainder of my stay, accompanying him in long drives whenever the weather permitted. Weak though his body was, his mind was as active and strong as ever. I saw several as heavy "sets" of papers, from time to time, forwarded by his clerk from London, according to Mr Smith's orders, as I had ever seen even in his chambers. When I implored him to send them back, and take a real holiday, he answered simply, "No; they *must* be attended to,"—and he did so: though I saw him once unable from weakness to lift a brief from his knees to the table. I never beheld so calm and patient a sufferer. He never repined at the fate which had befallen him, nor uttered a word showing impatience or irritability. When we drove out together, he generally said little or nothing the whole time, lest his cough should be aggravated, but was anxious to be talked to. Once he suddenly asked me, when we were driving out, "Whether I really ever intended to permit him to see the sketch of Follett, which I was preparing." I parried the question, by asking him, "Whether he thought Sir William Follett a great lawyer."—"Certainly," said he, "if there *be* such a character as a great lawyer. What thing of importance that only a great lawyer could do, did not Follett do? He *necessarily* knew an immensity of law; and his tact was a thing quite wonderful: but it required much knowledge and experience to appreciate it. I was a great admirer of Follett. * * * I once heard him say, by the way, that either he had applied for the place of a police magistrate, or would have accepted it, if it had been offered, soon after he had come to the Bar; so that it is quite a mistake to suppose that he was all at once so successful. * * * And I can tell you another little fact about Follett: though perhaps no man took so few notes on his brief, during a cause: this was not always so; for, when he first came to the Bar, he took most full and elaborate notes of every case, and prepared his arguments with extreme care. I have seen proofs of this." Shortly before his leaving town, he purchased a copy of Thirlwall's (the Bishop of St David's) History of Greece, in eight volumes, "to read over at the sea-side;" and he did so: telling me that "he liked it much,—that it had told him many things which he had not known before." This copy his brother presented to me after Mr Smith's death, and I value it greatly. One morning I found him much exhausted; but soon after I had taken my seat, he said, "You can oblige me by something, if you will do it for me. I recollect that there is generally lying on your table, at chambers, 'Bell's Principles of the Law of Scotland.' Now I am very anxious to read the book, as I expect to be in one, if not two, Scotch appeal cases, in the House of Lords, next session!—Will you do me this favour?" Of course I immediately procured the book to be forwarded to him, and it afforded him uncommon pleasure for many days. He read it entirely through with deep attention, as his numerous pencil-marks on the margin attest, as well as several notes on the fly-leaf, of leading points of difference between our law and that of Scotland. At page 35, § 76, the text runs thus:—"Tacit acceptance may be inferred from silence, when the refusal is so put as to require rejection, if the party do not mean to assent; as when a merchant writes to another, that he is against a certain day, to send him a certain commodity, at a certain price, unless he shall previously forbid." Opposite to this, Mr Smith has written in pencil, "*Surely one man cannot throw the duty of refusal on another* [*in*] *that way?*" In the course of a little discussion which we had on this subject, I said, "Suppose the parties have had previously similar transactions?"—"Ah," he answered, "that might make a difference, and evidence a *contract* to the effect stated; but as nakedly enunciated in the text, I think it cannot be the law of Scotland, or law any where." He made many interesting and valuable remarks from time to time on Scotch law, and expressed a high opinion of the work in question, referring to every portion of it as readily as though it had been his familiar text-book for years.

I often found him reading the numbers of the Queen's Bench, Common Pleas, and Exchequer Reports; and he once said, "I have a good many arrears to get through, in this way, before the beginning of term!" One day I saw a prodigious pile of law papers lying on his table, which had just arrived from London. "Why, what are these, my dear Smith?" said I earnestly—for he lay on the sofa in a state of miserable exhaustion. After some minutes' pause, he replied, "It is a very troublesome case. I have to reply or demur to some harassing pleas of ——."

"But why not postpone them till near the end of October?"

"When I am not fatigued, papers amuse me, and occupy my attention." I offered to him my services. "No, thank you—it would fatigue me more to explain the previous state of matters, with which I am familiar, than to draw the pleadings"—and he did it himself. On another occasion, I saw him sitting in his easy chair, deadly pale. When I had placed myself beside him, he said in a faint tone, but calmly and deliberately, "This morning a serious thing has happened to me," and he mentioned a new and alarming feature in his complaint, which, alas! fully justified his observation; and during the day he allowed me to request Dr Duke, who was attending a patient in the hotel, to see him. He did — and on quitting him, told me that of course the case was hopeless; that his friends should be sent for, and he would not answer for his life for a few weeks, or even days.

Two or three days afterwards, Dr Duke saw him again, and had left him only half-an-hour when I called. He was writing a letter to an old friend (one of his executors), and his face wore an expression of peculiar solemnity. Laying down his pen, and leaning back in his chair, he gently shook my hand, and, in an affectionate manner, said, "Warren, I have just had a startling communication made me by Dr Duke; he has told me plainly that I cannot live much longer,—that recovery is utterly out of the question,—and that I am nearer death than I suppose." After a pause, I said, "He has been faithful, then, my dear Smith. It was his duty; and I trust he did it in a prudent manner."—"Perfectly," he replied. Profound gloom was in his features, but he was calm. Presently he said, covering his face with his attenuated hand, "I have none to thank but myself. I have killed myself by going the last circuit, but I could not resist some tempting briefs which awaited me! I now regret that I did not allow my sister to come over, months ago, and go with her to the South of France; but of course, wishing, *now*, is useless." Again I entreated him to allow her to be sent for. "My dear Warren," said he decisively, "you and B. have often asked me to do so. I beg you to do so no more. I have private reasons for declining to follow your advice." His voice slightly faltered. His "private reasons" have already been adverted to—they were, his tender love for one whom he would not shock by showing himself to her in the rapid progress of decay! From that day I never saw the semblance of a smile upon his face, nor any appearance of emotion, but only of solemn thoughtfulness. A few days afterwards I said to him, "Well, if it be the will of God that you should never return to your profession, it is certainly consòlatory for you to reflect how great a reputation you justly enjoy at the Bar, and in how short a time you have gained it. Your name will live." He made no answer for some minutes, but shook his head, and then said, "I have done nothing worthy of being remembered for; but you are kind for saying so."

Even after this, the mail every now and then brought him fresh "papers" from town; and Miss ——, the daughter of the landlady, and who attended him with the utmost solicitude, one evening burst into tears, as she showed me a fresh packet; adding, "It is really heartbreaking to have to take them in to him: he is so weak that he feels a difficulty in even opening them!" It was so, indeed! The two old friends whom he had named as executors, came down to St Leonards two or three times, and spent several days with him. As the time for my family's return to town approached, he evidently regarded it with uneasiness, and almost daily said, "Must you *really* go by the 15th? * * * And B. is also going before that: then I shall be left quite alone, and shall certainly feel dull." A friend of mine, a lady, who resides near St Leonards, having requested me to introduce her to him, in order that when we were gone she might come and see him, I asked him if he would allow me to do so? "Indeed," said he faintly, and with a slight flush, "I should not only feel it a compliment, but extremely kind." The lady in question accordingly drove down kindly almost daily, bringing him grapes and flowers, which he said he felt to be a delicate attention: and so anxious was he to evince his sense of her courtesy, that he insisted on driving, when very feeble, on a bleak day, to leave a card at the lady's residence, nearly three miles off, with his own hand. When I took my leave of him, he seemed, I thought, a little moved; but said calmly, "If the weather breaks up, I shall return to the Temple: and it is possible that I may take lodgings in another part of the town; but to court I *must* go at whatever inconvenience—for I have cases there which I must personally attend to.

Towards the close of October he followed us to London, alone, and was sadly fatigued and exhausted by his journey. He went at once to his chambers; which he never, with one exception, quitted till his death; lying stretched in his dressing-gown upon the sofa, a large table near him being covered with briefs, cases, and pleadings, which he attended to almost as regularly as if he had been in perfect health. Yet he found it difficult to sit up, his hand trembled when holding even a small book, and his cough was fearfully increased in frequency and violence, and he could get little or no sleep at nights. The reader may imagine the concern and astonishment with which I heard, that about a fortnight after his return, he had actually gone to dine at the Garrick Club! sitting at his table there, as a friend who saw him told me, "more like a corpse than a living being; in short, I almost thought it must be his ghost!" He left his rooms, however, no more; having his dinner sent in, till within the last few days of his life, from a neighbouring tavern. He had several consultations held at his chambers, in cases where new trials were to be moved for; his leaders, (one of whom was Mr Sergeant Talfourd) considerately waiving etiquette, and coming to their dying junior's chambers. They were, as may be supposed, most reluctant to transact business with one in his state, but he insisted upon it. He earnestly requested me not to mention at Westminster, or elsewhere, how ill I thought him; "for if you do, my clients will send me no business, and then I shall have nothing to amuse my mind with." Towards the end of the term, he observed to me one morning,—"See how kind my clients are to me! I suspect they have heard that I cannot go to court, so they send me a great number of pleas, demurrers, and motion papers, which I have merely to sign, and get half a guinea: I think it so considerate!"

About the last day of the term, I happened myself to be his opponent, in one of those minor matters of form, a motion for "judgment as in case of a nonsuit," on account of my client's not having gone to trial at the preceding assizes. Mr Smith was lying in a state of great exhaustion on the sofa; but mentioned the "rule." I told him that I had brought my brief with me,—"A peremptory undertaking, I suppose," said he, languidly, "to try at the next assizes?"—"Yes, and I will sign my own papers, and yours too, to save you the trouble,—or your clerk shall?"—"No, thank you," said he, and with difficulty raised himself. "Will you oblige me by giving me a pen?" I did so, and with a trembling hand he wrote his name on the briefs, saying, in a melancholy tone as he wrote, "It is the last time I shall sign my name with yours. Even if you *perform* your undertaking, *I* shall not be at the trial!" About a week afterwards I found him finishing the last sheet of a huge mass of short-hand writer's notes of an important case in which he was concerned, and he was grievously exhausted. It was in vain to remonstrate with him! An early and devoted friend of his, and I, called upon him daily two or three times, and sat with him as long as our engagements would permit us. We found his mind always vigorous; and though he could converse little, from weakness, and its irritating his cough, his language was as exact and significant as ever, and he liked to hear others talk, especially about what was going on at Westminster. I was sitting silently beside him one afternoon, only a fortnight before his death, when a friend came in, and, after we had sat some time together, asked me a question which had just arisen in his practice. "Don't you think," said he, "that, under these circumstances, we may read the word '*forthwith*,' in this act of parliament, to mean, 'as soon as reasonably may be?'" Our poor friend, who had not spoken before, and lay apparently asleep, instantly raised his head, and with some quickness observed, "Ah! if you could only read an act of parliament *in any way you liked*, what fine things you could do!"

The reader is not, however, to suppose that Mr Smith's mind was exclusively occupied with business, and legal topics. On the contrary, I am certain that he both read and thought much, and anxiously, on religious subjects. I saw the Bible constantly open, and also one or two religious books; in particular, Mr Wilberforce's "Practical Christianity" lay on his table and on his sofa. He seemed, however, to feel no disposition to *converse* on such topics, with any one. If any one attempted to lead conversation in that direction, he would either be silent, or in a significant manner change the subject. He had a favourite copy of Dante lying often near him, and it may be interesting to state, that he has left underscored in pencil, the two following verses in the third canto (*Del*

Purgatorio), expressive of faith in the great mysteries of Christianity,—

> "Matto è chi spera che nostra ragione,
> Possa trascorrer la 'nfinita via,
> Che tiene una sustanzia in tre persone.
>
> State contente, umana gente, al quia:
> Che si potuto aveste veder tutto,
> Mestier non era partorir Maria."

It may not be necessary to say it, but he was a firm believer in the truths of Christianity, and a conscientious member of the Church of England. One day, within about a fortnight of his death, he said, "There is a work which I have often heard you speak of, and which, it does so happen, I never read, though I have often wished to do so; I mean Paley's *Horæ Paulinæ.* I may say almost that I know his *Evidences* off by heart. Now, will you do me the favour of procuring me a copy of the other book, in as large type as you can, and as soon as you can, for," he added with a slight sigh, after a pause, "I have not much time to lose?" I immediately procured him the book in question; and about three days afterwards he said to me, "I have read the 'Horæ Paulinæ'; it is a book of extraordinary merit; I very much wonder that I never read it before." I asked him if he had read "Butler's Analogy." "Oh yes, of course, several times, and know it well," he replied, rather quickly. Life was visibly ebbing fast away during the first week in December. He grew weaker and weaker almost hourly, and scarcely ever rose from his sofa, where he always lay in his dressing-gown, except to go to his bed-room, which adjoined and opened into his sitting-room. He would allow no one to be in his chamber with him during the night! not even his attentive and attached laundress, or his clerk.* I once strongly urged upon him to allow the former to sleep in the chambers. "Either she leaves my chambers at her usual hour," said he, peremptorily, "or I do." We felt it, however, impossible to allow this; and, without his being aware of it, his clerk and laundress by turns continued to spend the night in one of the adjoining rooms. It was well that such was the case, for he began to get delirious during the nights. About ten days before his death, a great and marked change came suddenly over him: his eyes assumed a strange glazed appearance, and his voice was altogether altered. His mind, however, continued calm and collected as ever. He moaned continually, though gently, assuring us, however, repeatedly that he felt no pain, "but an exhaustion that is quite inconceivable," he added, faintly, "by *you.*" Not many days before his end, he gave us a signal proof of the integrity of his reasoning faculties. Two of his friends, I and another, were sitting with him, and he told us, as he often latterly had, that he heard strange voices in the room. He asked the one who sat next him if there were not strangers at that moment in the room speaking? When assured that there were not, he said earnestly, "Will you, however, oblige me by looking immediately under the sofa, and tell me whether there is really no one there?" His friend looked, and solemnly assured him that there was no one there. "Now," said said he, with some difficulty, after a pause, and suddenly looking at us, "how extraordinary this is! Of course, after what you say, I am bound to believe you, and the voices I hear are consequently imaginary: yet I hear them uttering *articulate sounds;* they are human voices; they speak to me intelligibly. What can make that impression upon the organ of hearing—upon the tympanum? How is it done? There must be some strange disorder in the organs. I can't understand it, nor the state of my own faculties!" Then he relapsed into the state of drowsy, moaning, half-unconsciousness, in which he spent the last fortnight of his life.

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* I procured his clerk a similar situation with the late Mr Granger, M.P., my predecessor as Recorder of Hull, who died suddenly; and a day or two after the former had gone into a new employment, he was found dead in his bed.

For a few days previously, no more briefs or papers were taken in by the clerk: but one, a Case for an Opinion, which had been brought about a week before, Mr Smith immediately read over with a view of answering it. In consequence of a communication from the physician, we at once summoned Mr Smith's two brothers, the one from Dublin Castle, and the other (an officer on board the Devastation steam-frigate) from Portsmouth. Both of them came as quickly as possible, and remained to the last in affectionate attendance upon their afflicted brother. About three days before his death, he was asked if he wished to receive the sacrament. "Yes," he immediately replied, "I was about to ask for it, but feared I was too ill to go through with it. I request it may now be administered to me as soon as can be, for I am sensible that I have no time to lose; *and I beg that the rubric may be strictly complied with in all respects.*" This he said specially with reference to the prescribed number ("three, or two at the least") of communicants beside himself. The Rev. Mr Harding, father of one of his intimate friends,* being near at hand, immediately attended, and administered that sacred and awful rite: Lieutenant Smith, I, and another partaking of the sacrament with our dying friend. He was in full possession of his faculties. He could not rise from the sofa, but made a great effort to incline towards the clergyman, lying with his hands clasped upon his breast. When the name of our Saviour was mentioned, he inclined his head with profound reverence of manner. It was, indeed, a solemn and affecting scene, such as will never be effaced from my memory. When it was over, Mr Smith gently grasped the hand of Mr Harding, and faintly thanked him for his kindness in so promptly attending. He was unable, that night, to walk to his bed; to which he was assisted by his brother and a friend.

The dark curtain was now rapidly descending between him and this life. He never rose again from bed; but lay there in the same moaning yet comparatively tranquil state in which he had been during the week. On the morning of the day of his death, I went early to sit beside him, alone; gazing at his poor emaciated countenance, with inexpressible feelings. Shortly after I left, his oldest friend took my place; and, after a while, to his great surprise, Mr Smith, on recognising him, asked if a particular "case,"—"*Exparte* —— " was not still in chambers? On being answered in the affirmative, he requested his friend to get pen, ink, and paper, and he would dictate the opinion! His friend, though conceiving him to be wandering and delirious, complied with his request; on which Mr Smith slightly elevated himself in bed, and, to the amazement of his friend, in a perfectly calm and collected manner, but with great difficulty of utterance, dictated not only an appropriate, but a correct and able opinion on a case of considerable difficulty! When he had concluded, with the words, "the case is practically remediless," he requested that what had been written might be read over. It was done, and he said, on its being concluded, "There is only one alteration necessary —strike out the words '*on the case*,' leaving it '*action*,' simpliciter;" thereby showing an exact appreciation of a point in the case, with reference to the suggested form of action, of much difficulty! After this effort he rallied no more, but lay in a dozing state all day; his friend, his brother, and myself, by turns, sitting at his bedside. He appeared to suffer no pain. I sate with him till about six o'clock, gazing at him with mournful intensity, perceiving that the dismal struggle was rapidly drawing to a close.

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* Sir John Dowey Harding, now the Queen's Advocate.

Being compelled to leave, I intended to have returned at eight o'clock; but, alas! a little before that hour, tidings were brought me that at shortly after seven o'clock our poor friend had been released from his sufferings. A few minutes before he expired, none being present but his brother and the laundress, he gently placed his left hand under his left cheek, and, after a few soft breathings, each longer than the preceding one, without apparent pain, ceased to exist upon earth. I immediately repaired to his chambers, and joined his brother and his oldest friend, who were sitting together in mournful silence. Around us were all the evidences of our departed friend's very recent occupancy. His spectacles lay on the table;—many briefs, some of which I had seen his own feeble hands open only a few days before, so remained, as well as various books; among which were two large interleaved copies of his "Mercantile Law" and "Leading Cases," with considerable MS. additions and corrections in his own handwriting. When I looked at all these, and reflected that the prematurely wasted remains of one of my earliest and most faithful friends lay, scarce yet cold, in the adjoining room, I own that I felt it difficult to suppress my emotions.

Quis desiderio sit pudor, aut modus
Tam cari capitis ?

He died on the 17th December 1845. On looking among his papers, there was found a will which he had executed so long before as the year 1837, for a reason assigned in that document, viz., that on the 3d of July in that year, was passed the important Act of 7 Will. IV., and 1 Vict. c. 26, which rendered it necessary for all wills to be signed by the testator in the presence of two or more attesting witnesses, none having till then been necessary in the case of wills of personal estate, which alone Mr Smith left behind him. This document contains some characteristic touches. It begins in this old fashioned and formal style:—

"In the name of God, Amen!

"I, John William Smith, of the Inner Temple, barrister-at-law, being minded to make my last will and testament before the act passed in the first year of the reign of Her present Majesty (whom God long preserve), entitled 'An Act for the Amendment of the Law with respect to

Wills, shall have come into operation, do make this my last will and testament; that is to say," &c. &c.: and he proceeded, after giving some trifling mementoes to his friends, to bequeath all his property to his two executors, in trust for his sisters. He directed that his coffin should not be closed till after decay should have visibly commenced in his body; a precaution against the possibility of premature interment: which he always regarded with peculiar apprehension. He proceeded to direct that he should be buried in the burying-ground of the Temple Church, a right which he always contended was possessed by every member of the Inn. With this request, however, it was impossible for the Benchers to comply, though anxious, by every means in their power, to do honour to his memory He was, therefore, buried, on the 24th December, 1845, at Kensal Green. Had it been deemed desirable by his brothers and executors, a great number of the members of the Bar would have attended his funeral. As it was, however, sixteen only of those most intimate with him followed his remains to their last resting-place. A small stone, placed at the head of his grave, merely mentions his name, age, and profession, and the day of his death; and adds, that a tablet to his memory is erected in the Temple Church. On the ensuing Sunday, the Benchers of the Inner Temple caused the staff, or pole, surmounted with the arms of the Inn, carved in silver, and which is always borne before the Benchers into church, and placed at the corner of their pew, to be covered with crape, and the vergers to wear scarves; a tribute of respect which had never before then, I believe, been paid to any but deceased Benchers. They expressed anxiety to pay every honour to the memory of so distinguished a member of the Inn, and cordially assented to the request that a tablet should be placed in the Triforium, where one of white marble now stands, bearing the following fitting inscription, written by his friend, Mr Phillimore:—

JOH: GVL: SMITH
IN. STVDIIS. HVMANITATIS. AC. LITTERARVM.
A. PVERITIA. SUMMA. LAVDE, VERSATO.
LEGVM. ET. CONSVETVDINIS. ANGLIÆ.
TVM. JVRIS. NEGOTIANTIBVS PROPRII.
PERITISSIMO. VT. SCRIPTA. QVÆ. MAGNAM.
ETIAM. TRANSMARINAS. APVD. GENTES.
AUCTORITATEM. CONSECVTA. SUNT. TESTANTVR.
MEMORIA. DILIGENTIA. ACVMINE. DOCTRINA.
NECNON. FIDE. ET. BENEVOLENTIA. SINGVLARI.
A. FORO, VBI. QVOAD. VIXIT. INGENII. LAVDE. CREVIT.
IMMATVRA. MORTE. ABREPTO.
H: L: S: E
NATVS. A.D. MDCCCIX. OBIT. IDIBVS. DEC. A.D. MDCCCXLV.

Thus died, and thus was honoured in his, alas! premature death, John William Smith: leaving behind him a name of unsullied purity, and a permanent reputation, among a body of men noted for their severe discrimination in estimating character. He practised his profession in the spirit of a GENTLEMAN, disdaining all those vulgar and degrading expedients now too often resorted to, for the purpose of securing success at the bar. He waited, and prepared for, *his opportunity*, with modest patience and fortitude, and indomitable industry and energy. He possessed an intellect of uncommon power, consummately disciplined, and capable of easily mastering anything to which its energies were directed. Having devoted himself to jurisprudence, he obtained, as we have seen, a surprisingly rapid mastery, both theoretically and practically, over its greatest difficulties, leaving behind him writings which have contributed equally to facilitate the study and the practice of the law, in an enlightened spirit. Had Providence been pleased to prolong his life, the voice of the profession would, within a very few years, have called for his elevation to the judicial bench, and he would have proved one of its brightest ornaments. Nor did he sink the scholar in the lawyer, but cherished to the last those varied, elegant, refined, and refining tastes and pursuits, which, having acquired him early academical distinction, rendered in after life his intercourse always delightful to the most accomplished and gifted of his friends and acquaintance, and supplied him with a never-failing source of intellectual recreation. Above all, his conduct was uniformly characterised by truth and honour, by generosity and munificence, hid from nearly all but the objects of it; and by a profound reverence for religion, and a sincere faith in that Christianity, the inestimable consolations of which he experienced in the trying time of sickness and death, and which could alone afford him a well-founded hope of eternal peace and happiness.

WHO IS THE MURDERER?*

A PROBLEM IN THE LAW OF CIRCUMSTANTIAL EVIDENCE.†

YORK, 15*th March* 1842.

A TRIAL for murder occurred here a few days ago, during the spring assizes for this county, which, taken altogether, is, in my opinion, the most remarkable that has been witnessed in this country for many years—little less so, indeed, than that of *Eugene Aram;* to which it bears, in several respects, a striking resemblance. The more I reflect upon it, the more am I struck with its peculiar interest and difficulty; and I consider it so calculated profitably to exercise the understandings of all clear-headed persons, lay or professional, interested in the administration of justice, (but is peculiarly instructive to students of our criminal law,) and so illustrative of the working of that law under circumstances of extreme difficulty, that I have determined to devote my leisure evenings at this place to the task of giving a pretty full account of it. That there are in it circumstances of mystery and horror, is certain; but I shall reveal no more of them than is necessary for my purpose; for I scout the idea of "ministering to minds diseased" by that degrading appetite for the loathsome details of crime, which certain late publications have engendered in persons of inferior capacity and education. *They* will find little to interest them in this sketch; but I hope and believe, that it will be otherwise with readers of a higher order—who may live under, or be acquainted with, other systems of criminal jurisprudence, (say in Scotland, and on the Continent, particularly in France and Germany), with which I shall enable them to compare that of England—and to say how such a case as the present would have been dealt with by their own system. Who, indeed, here or elsewhere, can fail to be profoundly interested on behalf of JUSTICE in quest of a great criminal, and endeavouring, spite of a long lapse of time, to frustrate all his devices for secrecy and concealment;—and in ascertaining that neither the innocent has been condemned, nor the guilty acquitted? I shall proceed to detail all the material facts of the case with scrupulous accuracy, and so enable the reader to form a judgment on this case for himself, just as if he had sat beside me in court during the trial—observing the demeanour of the different witnesses and listening to their testimony—with his eyes, too, riveted—at moments of intense and thrilling interest—upon the features of the man standing at the bar, to answer the most dreadful charge on which man can be arraigned before man.

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* *Blackwood's Magazine,* May 1842.

† The Queen *v.* Goldsborough.

In the summer of the year 1830, there lived at a place called Eagle's-cliffe, near Yarm, in the North Riding of Yorkshire, a man of the name of William Huntley. He was one of the sons of a respectable farmer who had died about ten years before, leaving behind him a widow and several children, and considerable property to be divided between them; but his will was so imperfect and obscure as to have led to a Chancery suit, in order to determine the true distribution of the property according to his intention—which was, to leave his widow the interest of a certain sum for her life, and considerable legacies to each of his children, payable as they became of age. His son William was, in the year 1830, about thirty-four years of age, and married, but lived apart from his wife, with whom he had quarrelled. Owing to his being so long kept out of his little property, he became a weaver in order to support himself—and was, in fact, in humble circumstances. In point of personal appearance—a matter deserving particular attention—he was of middling stature; he had a broad, squat face; his head was large behind; his forehead a retreating one, with rather a deep indentation between the eyebrows; and he was pitted with the smallpox. But there was one peculiarity in his face—a very prominent tooth on the left side of the under-jaw—which caught every one's eye on first looking at him. It occasioned him to have a sort of "twist of the mouth"—for which he had been always known and ridiculed by his companions, even at school. The solicitor who had the management of the affairs in Chancery was a Mr Garbutt, residing at Yarm, and still living. He had occasionally assisted the family, and, amongst them, William Huntley, by small advances during the time of their being kept out of their property.

At length, on *Thursday*, 22*d July* 1830—which will be found a date of great importance—Mr Garbutt was enabled to pay over to him the money due under the will; and on that day gave him a sum of £85, 16s. 4d.—the balance due after deducting the above-mentioned advances—in seventeen £5 bank-notes of the bank of Messrs Backhouse and Company, bankers at Stockton-upon-Tees, and the remainder in silver and copper. He was also entitled to receive other money, which Mr Garbutt had received instructions from him to endeavour to obtain; and I believe that he would have been entitled to a still further sum on his mother's death. As I have already mentioned, Huntley at this time resided at Eagle's-cliffe, but was in the constant habit of coming over to a small village at a few miles' distance, called Hutton-Rudby, where his mother lived, and also an intimate friend of his, one Robert Goldsborough (*the prisoner*), whose house, on such occasions, he was in the habit of making his own—always passing the night there. Goldsborough was about Huntley's age; was a widower, with a couple of children, and in destitute circumstances, having even been in the receipt of parish relief down to within a few months of the period at which this narrative commences. On the day of Huntley's receiving his money, viz., Thursday, the 22d July, he went over to Hutton-Rudby, and stayed there one or two days, principally in company with his friend Goldsborough. There is some reason to believe that Huntley was desirous of preventing two or three creditors of his from knowing that he had received so considerable a sum of money; and also that he had, about the time in question, intimated to one or two persons a wish to go to America. He appears to have gone frequently to and fro, between Hutton-Rudby and Eagle's-cliffe, during the ensuing week.

At an early hour, five o'clock, on the morning of *Friday, the* 30*th July*, he was seen coming to Goldsborough's house; again, about three o'clock in the afternoon of that day, walking on the high-road, in company with Goldsborough, and a man named Garbutt; a third time, at eight o'clock in the evening of the same day, sitting in Goldsborough's house; and about ten o'clock that night, he, Goldsborough, and Garbutt, were observed walking together in a cheerful and friendly manner—Goldsborough with a gun in his hand—all bending their steps towards Crathorne Wood, which was close by, apparently on a poaching errand. *From that moment to the present, Huntley has never been seen or heard of.* The circumstance of his disappearance was noticed as soon as six o'clock on the ensuing day, Saturday—and his continued absence rapidly increased the suspicion and alarm of the neighbourhood. A quantity of stale-looking blood being seen on the side of the high-road, on the ensuing Monday morning, near the spot where he had been last seen walking with Goldsborough and Garbutt—and also a man's recollecting that, between eleven and twelve o'clock on Friday night, he had heard the report of a gun in Crathorne Wood, added to the circumstance of Huntley's having been seen so frequently in Goldsborough's company, down even to the moment of his sudden disappearance, naturally pointed suspicion at Goldsborough, and anxious enquiries were at once made of him by many persons, to know what had become of Huntley. To one person, a creditor of Huntley's, Goldsborough said, with an easy confident air, that he had sent Huntley on the road to Whitby, where he was going to take ship for America. To Whitby instantly went several persons in quest of the missing man, but in vain; no such person had been seen or heard of in that direction, nor was there—nor had there been for some time—in that port any vessel bound for America. The disappointed enquirers returned to Goldsborough, to announce the fruitlessness of their search, when he gave another account of Huntley's movements; namely, that he had sent Huntley on the way to Liverpool, there to take ship for America; and a short time afterwards, to another class of enquirers, he told an entirely different story, that he had set Huntley on his way to Bidsdale, to see some friends of his residing there. All this kindled still more vivid suspicion against him. Constables and others searched his house, and found in it a watch, and various articles of clothing, belonging to Huntley, but none of which he made the least attempt to conceal.

When asked to account for his possession of them, he gave inconsistent answers. First, he said that Huntly had given them to him; but, on being reminded how improbable it was that a man so covetous as Huntley should have done so, he said that the fact was that he had lent Huntley money, and, on his going off to America, he had left the articles in question as a security for the repayment of what he owed. In short, Goldsborough was universally supposed to have murdered Huntley. On one occasion he said, without any embarrassment of manner, when taunted on the subject—"You'll all see, by and by, whether he's been murdered!" On another occasion, after following to his door a person who had just quitted it, he said to a man standing near—"That gentleman has been here, asking after Huntley, but he'll find him neither at my house, nor at Whitby, nor nowhere else." Confident that the missing man had been murdered, the neighbours, and also the constables, searched far and wide after his body. To a party thus engaged, he once went up and said, impatiently—"You fools! it's no use searching there! Only you give up, and I'll bring Huntley to you in a fortnight!" From some cause or other, these efforts were shortly afterwards discontinued. About a week or ten days after Huntley's disappearance, Goldsborough was observed sitting opposite a large fire in his house, reading; and a strong smell was perceived as of woollen burning. "Dear me!" said a person to him, "you've a large fire for summer time." He said he could not sleep, so he was sitting up reading. To another person mentioning the smell of woollen burning, he replied—"That he had been burning only some old things which he had pulled from under the stairs." At times he appeared disconsolate, and agitated, and reserved. Again—he was found suddenly in possession of a considerable sum of money—in bank-notes, gold and silver—which he rather exhibited with some ostentation than concealed, and this as early as within a day or two after Huntley's disappearance: offering to lend money to some persons, and making various purchases for himself. He remained at his house till towards the close of the autumn, when, wearied with the perpetual suspicions and ill-feeling exhibited towards him, he removed to the town of Barnsley, about thirty or forty miles off, and hired a loom of a man, at whose house he took up his abode. When asked what his name was, he replied, "*Touch me lightly!*" He brought with him a good stock of clothes—many of them Huntley's—two watches, and plenty of money, with which he was very liberal. He complained of being out of health, and did no work—his chief amusement being the going out to shoot small birds. Some weeks afterwards he went away and returned in company with a woman, whom he said he had married—and that she had brought him a sum of £80 for her fortune. On being asked whence he had come, he replied, "from Darlington"—and passed under the name of Robert Towers.

This mysterious disappearance of Huntley, connected as it was with the circumstances above related with reference to Goldsborough, gradually ceased to be the subject of gossip and speculation.

But it may be asked—Why were not the startling facts of the case made the subject of a formal judicial enquiry? Let me ask another question, however—What proof was there that Huntley had been murdered at all, or that he was even dead? Was it impossible—or, indeed, very improbable—that Goldsborough's account of the matter might be the true one—viz., that Huntley had gone to America, and that Goldsborough was purposely giving contradictory accounts of Huntley's movements, to enable him to elude discovery? There was, in fact, no *corpus delicti*—the very first step failed. No lawyer, on the above facts only, would feel himself warranted in recommending the prosecution of Goldsborough for murder, with so serious a chance of an acquittal: in which case, he could never have been again tried as the murderer, however conclusive might be evidence subsequently discovered. "However strong and luminous may be the circumstances, the coincidence of which tends to indicate guilt," observes a distinguished writer on the law of evidence, Mr Starkie, "they avail nothing, unless the *corpus delicti—the fact that the crime has been actually perpetrated*—shall have been first established. So long as the least doubt exists as to *the act*, there can be no certainty as to the criminal agent."

Thus, then, matters rested for a period of eleven years—that is, till the 21st June 1841—when a number of workmen were employed by a respectable farmer, a quaker, named Nellist, in making some alteration in the sides of a *stell*, *i. e.*, a brook or rivulet, dividing a place called Stokesley from another called Seymour. While one of the labouring men, named Robinson, was engaged in cutting into one of the sides of the stell, at a spot where there was a curve or bend in the stream, called Stokesley Beck, and which was about five miles distant from the spot where Huntley, Garbutt, and Goldsborough had been last seen walking together, after turning up two cattle bones, he discovered one belonging to a human body—a shin bone; and presently, within a space of about a yard and a quarter, "the bones of a Christian," as he expressed it; in fact, a complete skeleton, with the exception of the feet. The head lay at a distance of a yard from the shin bone. Deeming this rather a curious circumstance, he took out the bones carefully, and laid them out at length on the side of the stell. They had lain at a depth of about three feet from the surface; and had evidently not been deposited there by digging a hole down from the surface, like a grave, but by hollowing out, or digging a hole in the stell-side, and then thrusting in the body, "backside first, and doubled up," to use the words of the witness. The soil was tough and clayey; and the spot lay at a distance of about a hundred yards from the high-road. This stell was, in fact, not an inconsiderable stream, sometimes subject to overflows; and there was a wooden foot-bridge over it, a good way higher up the stream. The skull was removed from the earth carefully, by hand. It was filled with earth, and the lower back part of it appeared to have been broken off. The bones having been thus carefully laid out, on Robinson's master, Mr Nellist, arriving at the spot in the evening, he saw them with not a little surprise; and on looking at the skull and jaw-bone, particularly noticed *a long projecting* *tooth on the left side of the lower jaw.* With the exception of two or three, all the teeth were in their sockets, and remained in them till the bones, which had been damp when first discovered, began to dry, when some of the teeth fell out, and, amongst others, the remarkable and all-important tooth in question. Before this had occurred, however, Mr Nellist took home with him, on the same evening, the skull and jaw-bone, and kept them, together with the loose teeth, in a pail. They were shortly afterwards, but before the prominent tooth in question had dropped out, seen by various persons; several of whom, on noticing the tooth, at once said that the skull was Huntley's, whom they had known. Mr Nellist committed the skull and teeth, a day or two afterwards, to the care of one Gernon, a constable, who put them into a basket; and having heard of the former suspicions against Goldsborough, whom he also ascertained to be then living under another name at Barnsley, set off of his own accord, carrying with him the bones, to take Goldsborough into custody.

On the evening of the 23d June, he found Goldsborough sitting in his house alone, without his coat, which hung over a chair back. "I have come," said the constable abruptly, "to take you into custody for the murder of William Huntley, eleven years ago,"—on which Goldsborough appeared dreadfully agitated. "Look at this," continued the officer, taking out the shattered skull, and showing it to Goldsborough, "and tell me if it isn't the remains of Huntley?" Goldsborough could not look at it, but his eyes wandered round the room; and with increasing trepidation, and bursting into tears, he exclaimed, "I am innocent! They may swear my life away if they please, but I never had any clothes, or a watch [the constable had asked him if he had not a watch belonging to Huntley], or anything belonging to Huntley! The last time I ever saw him was on Thursday!" The constable then took him into custody, but released him the next morning, considering the evidence against him not sufficient to warrant his detention, especially as he had arrested Goldsborough on his own responsibility only. The whole matter was soon, however, brought under the notice of the magistrates, and steps were taken at once to obtain any evidence that might throw light on this long-hidden transaction:—a reward of one hundred pounds being offered, in the usual terms, to any one who should give such evidence as would lead to the discovery and conviction of the murderer of William Huntley. Shortly afterwards a man of the name of Thomas Groundy was heard making such observations as led to his being taken into custody, and on the 10th of August Goldsborough was again arrested—having continued ever since in the same house in which he had formerly been seized, at Barnsley—on the charge of having murdered William Huntley; Thomas Groundy being charged as an accessory after the fact. The magistrates having heard all the evidence which had been collected, were of opinion that it was expedient for the ends of justice to permit Groundy to turn king's evidence, as it is called—*i. e.* to be relieved from the charge against himself, in order to give evidence impeaching his fellow-prisoner. That was done; and the following is a *verbatim* copy of his deposition—every syllable of which is worthy of notice, in consequence of an extraordinary circumstance which occurred shortly after it had been taken:—

"Thomas Groundy being charged before us as an accessory after the fact to the murder by Robert Goldsborough of William Huntley, and being, after the hearing of all the evidence on the part of the prosecution, in the exercise of our discretion, admitted by us at this stage of the proceedings to give evidence against the said Robert Goldsborough, on his oath, saith—

"On the Wednesday after William Huntley was missing, Robert Goldsborough came to me, and asked me if I would help him with a bag to Stokesley—he was going to America; and I told him I would go, and we went by Neville's hind-house, and then we kept no road, and we went down to yon wood beside the stone bridge. He took me to a bag which was laid upon the ground in the wood, and I laid hold of it, and I found like a man's head, and I asked him what it was—and he stopped about five minutes before he spoke, and he then said—'It is a bad job, it is Huntley—as he was waiving (*qu. walking*) by me, I shot him.' Then I fell frightened, and wanted to go home, and Goldsborough said—'If you mention it, I'll give you as much.' And I said I would not mention it, and I wanted to make off, and I made off. That the body was in the wood, within two or three hundred yards from the bridge. It is quite a lonely place. It was a rough place in the wood. Goldsborough never said anything more to me about it, and I was frightened, and durst not mention it to him. It was about hay-time. I knew William Huntley. He had a long tooth, and used to twist his mouth."—Sworn, &c., 14th August 1841.

"The mark of
"THOMAS + GROUNDY."

Two or three hours afterwards, Groundy hanged himself!—He had been placed in a room in York Castle, only to await the arrival of his sureties, who were to be bound with him for his appearance to give evidence at the trial, and had not been left above half an hour before he was found suspended by his neckerchief and braces to one of the iron bars of the window, his knees resting on the floor, and quite dead. He had been in good health and spirits, and perfectly sober, up to the last moment of his being seen alive; having observed, in answer to enquiries, that what he had just been swearing to he had mentioned to two or three persons, whom he named, shortly after the facts had happened. An inquest was held on his body, and a verdict returned of *felo de se.*

To return,—Goldsborough, having heard the whole of the evidence thus adduced against him, including, of course, that of Groundy, voluntarily made and signed the following statement, which also I shall present to you *verbatim:*

"On Thursday the 22d July 1830, William Huntley came to my house, and stopped and talked awhile, and asked me to take a walk with him. We took a walk down over the bridge, and through Sir William Foulis' plantation. We sat down on the side of the footpath, in the plantation; and he says, 'I want you to look at some papers I have;' and so he pulled them out of his inside coat pocket, one a largish paper, which he had got from Mr Garbutt, and he says—'I have been drawing my money,' and said he had drawn £85, 16s., and he said, 'What is the reason of all this money kept back?' I looked at the paper, and told him what the sums were for. He said he did not want it mentioned to every person, for Dalkin, Robert Moon, and some others, who wanted money of him, would be at him. I told him I had nothing to do with it—I should say nothing about it—so we came home together, and he was backwards and forwards out of our house, and other houses in the town, all the day. He laid with me all night, as he generally used to do when he came to the town. He was backwards and forwards all the next day, and he hired a cart and brought a loom down from Robert Moon's, and sold it to George Farnabay that day, and he stopped all night again, and slept with me, and then he came to Stokesley on the Saturday, and tried me several times to go to America with him. I went with him to Stokesley. We were together awhile at Stokesley on that day, and then we parted, and I never saw him any more until the Thursday following, and he came down to me at Farnabay's shop, at Hutton, and called of me out, and pushed me sadly to go to America with him, and I told him I had two children, and I should not leave them, as I was both father and mother to them. So he stopped awhile, and he said if I would not go, he could not force me; but if I would go, I should share with him as long as he had a halfpenny. I refused, and he stopped on a while, and we went out, and I set him down a few yards from the door, and left him. We shaked hands and parted; and he said, if Mr Garbutt did not put it out about his money, he would stop a few days longer, if people did not get to know about it. I have no more to say about it. That was the very last time I clapped my eyes upon him. If it was the last words I had to speak, I never was in Crathorne Woods, nor Weary Bank Woods, with Thomas Groundy. You may think it's a lie; but if it were the last words I had to speak, I never was with him.

"ROBERT GOLDSBOROUGH."

He was then committed to York Castle, to take his trial at the next spring assizes for Yorkshire—an occasion looked forward to with universal interest by the inhabitants of that great county. Accordingly, at nine o'clock on Wednesday morning, the 9th of March 1842, he made his appearance at the Bar of the Crown Court, before Baron Rolfe *—than whom a more firm, patient, acute, and clear-headed judge could not have been selected to try such a case—to meet the fearful charge now made against him, of the "wilful murder of William Huntley, by discharging at him a loaded gun, and thereby giving him a mortal wound, of which he instantly died."

"Put up Robert Goldsborough," said the clerk of arraigns to the governor of the castle, as soon as Mr Baron Rolfe had taken his seat; and in a few moments' time a man was led along to the Bar of the Court, whose appearance instantly excited in me a mixed feeling of pity and suspicion—the latter, however, predominating. He was forty-seven years of age, of average make and height,

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* I sent a note in Court one day to Baron Rolfe, now [1854] Lord Cranworth, Chancellor, asking him to read this paper. He wrote back, promising to do so, but added—"*Who* is the Murderer? *Was there a Murder?*"

wearing an old but decent-looking drab great-coat, a printed cotton neckerchief, clean shirt-collar, and a pair of somewhat tarnished doeskin gloves. His hair and whiskers were of a dull sandy colour; his face rather long and thin; his eyes grey, heavy and slow in their movements, and with a sad expression; his upper lip long and heavy; his mouth compressed, with a certain indication of sullenness and determination. In short, his features were altogether of a rigid cast and a phlegmatic character, wearing an expression of great anxiety and depression. Whatever inward emotion he might be experiencing, he preserved an external composure of manner. On being placed at the Bar, he rested his arms on the iron bar, with his hands clasped together—never removing the gloves he wore. This was the attitude which he preserved, with scarce any variation, during the whole of his two days' trial. He pleaded "Not Guilty," with an air of modest firmness and sadness—eyeing each of his jurymen as they were sworn, and also the judge in his imposing ermine robes, and the counsel immediately beneath him, with anxious attention. He appeared to me a man of firm nerves, or rather perhaps of slow feeling, who had made up his mind to the worst. Was he not an object of profound interest? Had he really done the deed which now, after so many years' concealment, was to be dragged into the light of day? Had he shot dead the companion walking beside him in unsuspicious sociality, rifled the bleeding body, and then thrust it, in the dead of the night, into the earth?—or was he standing there as innocent of the crime imputed to him as the judge who was to try him, yet long blighted by unjust suspicion, and now despairing of a fair trial—the miserable victim of blind and cruel prejudice—to be convicted, within a few days hanged, his body buried within the precincts of the prison; and presently afterwards William Huntley to appear again, alive and well?——

The counsel for the prosecution opened the case with candour and judgment, giving a clear account of the facts he expected to be able to establish; and in one of his observations the judge subsequently expressed his anxious concurrence, namely, the necessity there was for the jury to be on their guard against a certain air of romance which seemed shed over the case, and against a secret notion that the guilt of a long-hidden murder was *destined*, by some sort of special providence, to be brought home against the person now charged with it. I shall now proceed to give a carefully condensed account of all the material facts proved—the reader keeping his eye, all the while, on any points of coincidence or contradiction that may strike him; and I shall add such observations on the demeanour and character of the witnesses, as may possibly enable him the better to appreciate the value of their evidence. He is already supplied with a key to it, in the brief narrative which has gone before.

At the instance of the prisoner's counsel, all the witnesses were ordered out of court before the counsel for the crown opened the case for the prosecution. The following, then, was the evidence adduced to prove, first, that William Huntley *had been* murdered; and secondly, by Robert Goldsborough, the prisoner at the Bar.

William Garbutt, an attorney and solicitor, proved the facts stated, at the commencement of the narrative, as to the family, the property, and the person of William Huntley, particularly the prominent tooth; the payment to him of £85, 16s. 4d. on Thursday the 22d July 1830. He had examined the skull which had been found, and, from his recollection of the form of Huntley's countenance, believed it to have been his. He had never heard Huntley talk of going to America. A warrant had been issued against Garbutt in 1830, but unsuccessfully, as he had then absconded, and never since been heard of.

George Farnaby had known both Huntley and Goldsborough well. They were very intimate; and the last time he had seen them together was on *Thursday*, 29th

July 1830. He saw Goldsborough enter his house, (which was in the same yard as the witness's house) about 3 P.M. the next day, (*Friday*), with a sort of sack, but could not guess what it contained, nor whether it was light or heavy. On the next evening, (*Sunday*), Goldsborough stood at his window, and pressed the witness to accompany him to Yarm fair the next morning, saying, that a man there owed him £5; which sum Goldsborough offered to lend to the witness. Goldsborough went to the fair, and bought a cow there, and put it into a field belonging to witness. A week afterwards I was at Goldsborough's, when Dalkin called to enquire after Huntley. Goldsborough said, Huntley had gone to Whitby to sail for America. The witness had himself heard Huntley speak, at different times, of going to America.

Robert Braithwaite saw Huntley come to Goldsborough's door, knock, and be admitted, about *five o'clock in the morning of Friday, 30th July* 1830. He had a particular tooth in his under jaw, which pushed his lips out. Witness had seen the skull and jaw-bone; and the tooth in it corresponded exactly with that of Huntley. Just before his disappearance, witness (a tailor) had made him a dark-green coat with yellow 'roundish' buttons, raised in the middle; a 'yellowish' striped waistcoat with yellow buttons; and a pair of patent cord trowsers, with a yellow sandy cast, and a 'broadish' rib; and he distinctly observed that Huntley wore those trowsers when he called at Goldsborough's, at five o'clock on the Friday morning. Witness had known Goldsborough all his life. He was always very poor, and unable to pay witness for his clothes without the greatest difficulty.

James Gears was sitting smoking his pipe on the roadside (where he was engaged breaking stones), at Hutton Rudby, *between three and four o'clock in the afternoon of Friday, 30th July* 1830. Huntley, Goldsborough, and Garbutt came up together, lit their pipes at that of the witness, and then went down the lane, northward, towards

Middleton. That was the last time he ever saw Huntley. The witness proceeded—" On *Wednesday*, 4*th August* 1830, Goldsborough and I were walking together towards some potato fields, and he pulled a quantity of silver out of his left-hand pocket, and four or five £5 bank-notes out of his right-hand pocket. I knew them by the stamp to be £5 notes. He told me they were Bank of England notes. I said, Robert, thou's well off—much better than I: I work hard for my family, and yet never have a penny to call my own." He said he had got the money out of the Stockton-on-Tees bank, where he could draw money whenever he wanted it, for he dealt in poultry. He had always till then been poor; having many times occasion to borrow a little meal and a little flour from the witness. The witness had mentioned the circumstance of the three men lighting their pipes from his, to Bewick the constable, on Monday the 2d August 1830. [If that were so, he must have then had his suspicions against Goldsborough; and it is rather odd that two days afterwards he should be walking so familiarly with Goldsborough, and should not have challenged him more strictly as to his suddenly acquired wealth. As singular is it, that Goldsborough, if guilty, should have so stupidly exhibited it to one who well knew his previous poverty; and that, too, at the time when everybody was beginning to suspect him as Huntley's murderer.]

James Braithwaite—The last time he ever saw Huntley was about *eight o'clock in the evening of Friday* 30*th July* 1830, sitting on a box near the fire-place in Goldsborough's house. His face was full towards witness, who saw him quite plainly. On Monday, 2d August 1830, was Yarm fair-day; and on witness passing along the high-road, about nine o'clock in the evening, he observed a pool of blood about fifty yards from the bridge, which is a little below Foxton Bank on the road from Yarm to Rudby. He mentioned the circumstance the same day to Brigham the constable. About ten days afterwards, in passing Goldsborough's house about ten o'clock one night, he observed a large fire, and went in, and told Goldsborough that there was a strong smell of woollen burning. He replied that he had been burning some old rags. The witness soon afterwards reminded him that it was bed-time, and said, "Aren't you going to bed?" He replied, "No; I can't sleep."

James Maw—[This man was by far the most important witness in the case. A violent attempt was made to impeach his credit; but, in my opinion, and in that of all whom I conversed with, quite unsuccessfully. He was about forty years old, very calm and collected—with a sort of quaint pedantry of manner, and gave his evidence in a fair, straightforward way.] The last time he had ever seen Huntley was *about nine o'clock on the night of Friday, 30th July* 1830, near the bridle-road leading to Crathorne Wood, in company with Goldsborough, who carried a new gun, and Garbutt—all three of whom the witness had long known well. Huntley wore a dark green coat, a yellow neckcloth, (which the witness particularly noticed,) and darkish trowsers and waistcoat. He spoke to witness, and said, "Where hast thou been, thou caffy dog? [which was a common expression of Huntley's.] Wilt go along with us?"—"No," replied the witness; "you'll be getting into mischief with your poaching!" "*Do* thou go with us," said Huntley; "we're going to try a new gun, and, if we catch a hare, we'll go to Crathorne, have it stewed, and get some ale." He then pulled out of his pockets some notes, showed them to the witness, and said, "I've plenty of money—I've been to Mr Garbutt's, and drawn part of my fortune." On this, Goldsborough said, "Put up thy money, thou fool; why art exposing it that way?" and then he added, (but the witness was not sure whether to Huntley or Garbutt,) "We'll have nobody with us." They then went on through the gate on to Crathorne bridle-road, and the witness went home, which he reached about ten o'clock. [I shall give the remainder of his evidence in his own words.] "On Saturday, 7th August, Bewick the constable and I went to the shop of Hall, a butcher at Hutton Rudby, and there we had some talk about Huntley's being missing; and we and several others went that night to Goldsborough's house. Bewick said—'Goldy, there are strange reports about Huntley; what hast thou *really* done with him?' Goldsborough was very much agitated, making no answer for some time; then said he had set Huntley on the Whitby Road as far as Easley Bridge, to take ship for America. But I said *that* was very unlikely, for there had been no ship advertised to go to America. Shortly afterwards, he said he had set Huntley on the Tontine Road, to take coach for Liverpool—which was in the opposite direction to Whitby. I asked if Huntley had booked at the Tontine? Goldsborough said no, he had got on the coach beyond the Tontine. On this we all told him these were two opposite tales. I forget what his answer was, but he seemed very much agitated—so much so, that he quite shook, and required to use both his hands to put his hat on. Bewick and I at another time went to call on him, and found him walking up and down before some houses near his own. Bewick said, 'Now, really tell us, what hast thou done with Huntley?' He answered and said—[that was the formal style in which much of the witness's evidence was given]—'I sent him up Carlton Bank, to go into Bilsdale, to see some friends of his.' We said that was again another different story; but I forgot his answer. The same evening, I and four other men (some of them constables), who all died of the cholera when it was here, went to Goldsborough's house to search it—he not objecting to it. We found a pair of woollen corded trousers, an old waistcoat, and an old coat. I could almost have sworn they were all Huntley's. We also found six new shirts, marked 'W. H. 1,' 'W. H. 2,' 'W. H. 3,' 'W. H. 4,' 'W. H. 5,' 'W. H. 6,' in an old-fashioned piece of furniture, like a box or press, up stairs; not in the room where one Hannah Best was engaged washing. The shirts had been made by one Hannah Butterwick; she was then there, and is now living, but I know not where. We asked Goldsborough how he explained all these things; and he said that Huntley had given the things to him. We said, 'No, no; he's too greedy a man for that;' on which Goldsborough said he had lent Huntley money, and he had left these things in part payment. There was a watch, seemingly of silver, with 'W. H.' engraved on the back, hanging up over the fireplace. We took it down, and examined it. There were two papers inside, one with the name of 'Mr Needham,' the other 'Mr Stephenson, watch and clock-maker, Stokesley.' Goldsborough gave the same account of the watch as he had given of the clothes and shirts. There was a gun up the stairs, like the one I had observed in his hand when I last saw him with Huntley: it was new-looking. His sister-in-law pointed to it, crying, and saying, 'Oh, Robert, this is the thing thou'st either killed or hurt Huntley with.' He replied, 'Hold thy tongue, thou fool!' and was much agitated. I afterwards made one of those who went to search for Huntley's body. About fifty yards from that part of the road where the blood was found, near Foxton Bridge, I recollect seeing a place, in a potato ground, where the earth seemed to have been *newly dug.* [It certainly seems unaccountable that, if this circumstance really had been observed at that time, a spot so challenging suspicion should not have been instantly examined.] After we had been searching some time, we met Goldsborough, who said, 'Where have you been searching to-day?' Several persons replied, 'In Foxton Beek, Foxton Woods, and Middleton, and Crathorne Woods.' Goldsborough answered, 'He's far more likely to be found in Stokesley Beck.'" [*The very place where the skeleton was found;* but the obvious question arises—Could the prisoner have been insane enough thus to indicate the spot where he had deposited the body of his victim?]

The witness then described Huntley's face, particularly his projecting tooth; and said he had seen the skull and jawbone, with the projecting tooth in it, just in the same place as Huntley's was, and projecting in the same way.

John Sanderson lived in a house 200 yards from Crathorne Wood, and well recollected hearing, about eleven or twelve o'clock on the night of Friday, 30th July 1830 (the Friday before Yarm fair), a shot fired in the wood; and a second within about a minute afterwards. It seemed about a quarter of a mile off. He got up and listened; but heard nothing more. There was game in the wood, and there *were* sometimes poachers.

Bartholomew Goldsborough. — On going on Monday morning, 2d August 1830, to Yarm fair, saw a pool of stale-looking blood, about one and a half feet in diameter, lying on the high-road (which was not much frequented), a little on the Crathorne side of the road, and in a slanting direction towards the gate leading into Crathorne Wood. He had noticed this blood before he had heard that Huntley was missing. The place where the blood lay was from four to six miles' distance from Stokesley Beck, where the skeleton was found.

Thomas Richardson had sold Goldsborough a single-barrelled gun, on Monday, 26th July 1830, for 8s. It was an old one, but cleaned and polished up so as to look like a new one. He did not pay for it, saying, he would take it on trial. A day or two after Yarm fair (which was on Monday, 2d August 1830), the witness called on him for payment. Goldsborough said he would return it—he did not want it, and had not used it. The witness thrust his finger down the muzzle, and when he drew it out it was dirty with the mark of powder. The witness showed him the finger, and told him he *had* used the gun; which the witness then took away. When the witness entered Goldsborough's house, the latter was engaged at a chest, in which were some clothes; he particularly recollected seeing a pair of woollen cord trowsers, broad striped, and a yellow cast with them; a yellow waistcoat with a dark stripe with gilt buttons. There were other clothes of a dark colour. The trowsers and waistcoat were Huntley's —for the witness had seen him wear them. He had also seen Huntley wearing a green coat with brass buttons, having a nob on them. [This witness gave his evidence in a satisfactory manner; and admitted, on cross-examination, having been once or twice, some time before, imprisoned for poaching, and once for having stolen some goslings; of which, however, he strenuously declared that he had not been guilty. Mr Baron Rolfe, in summing up, seemed justly to attach no weight to these circumstances as impeaching the value of his evidence.]

Joseph Dalkin.—Heard on Sunday, 1st August 1830, of Huntley's disappearance, and went on that day to Goldsborough's, to enquire after him. Goldsborough said he had set Huntley along Stokesley Lane—that he was going to sail for America from Whitby, at four o'clock on the next morning, (Monday.) Witness said he would go and stop him, for he owed witness £4 for a suit of clothes. Goldsborough said, "Huntley and I have had all that matter talked over about his owing thee money; he never intends paying thee—and it's of no use thy going after him." The witness, however did go immediately to Whitby, (a distance of thirty miles,) and searched the whole town for Huntley, but in vain: nor was there any vessel going to America. When the witness measured Huntley, he wore a pair of patent cord trowsers, with broad rib, and yellowish cast. He had pressed Huntley several times, in vain, to pay his bill.

George Bewick, a linen manufacturer, and also, in 1830, a constable. He had known Huntley, and recollected his disappearance. In consequence of hearing of it, he went soon after to Hall's (the butcher's) shop, where were Goldsborough and several others; but he did not then recollect whether the witness Maw was also there. Huntley's wife also accompanied witness, and he said to Goldsborough, "There's a report that Huntley is missing; and, as I hear you were last with him, I thought you the likeliest person to ask about him." He replied, "that Huntley had some relations at Bilsdale, and had gone there to see them." "Why then," asked the witness, "did you tell Joe Dalkin he had gone to Whitby, and thereby give him a sixty miles' journey for nought?" He made some unsatisfactory answer; but what it was the witness did not recollect. He was agitated, and trembled. The witness then said to him, "I understand thou hast Huntley's five shirts: how did'st thou come by them?" He answered that he had bought them of Huntley: to which the witness replied, "I understand you and Huntley bought a web from George Farnaby between you, which made you five shirts each; and it was not likely that either you could buy or he would sell you his five shirts; and here's his wife says he was badly off for shirts—having only a bad one on, and a worse one off!" His answer to this the witness had forgotten. He proceeded to give the same description of Huntley's person which had been given by the other witnesses: adding, "Huntley had something more remarkable about his appearance than most men;" and that he had seen and examined the skull and jaw-bone, and believed it to be Huntley's. [This was an important witness; of respectable character and appearance; and corroborating the evidence of Maw in several material particulars. No attempt even was made to shake him by cross-examination.]

Maria Richardson had lived at Hutton Rudby when Huntley was missed. He wore at that time woollen cord trowsers, with a broad rib, and yellow cast; and had a yellow waistcoat with a dark-coloured stripe in it. These articles of clothes, which witness knew at the time to be Huntley's, together with others, she saw in Goldsborough's house, in a sort of old-fashioned chest or press, about a week or fortnight after Huntley was missing.

When she went in, Goldsborough was at the chest looking over the clothes, and did not seem agitated. She was confident about having seen the articles in question.

John Kaye was sitting on the step of the house next door to Goldsborough's, on Sunday, 1st August 1830, and saw the witness Dalkin go to Goldsborough's house, and then come back. Goldsborough followed him out, and then remained standing close to the witness, and said, "That gentleman's been to my house, asking for Huntley; but I've told him he'll find him neither at my house, nor at Whitby, nor any where else!" The witness saw Goldsborough the next day, (Monday, 2d August 1830,) driving home a red cow from Yarm fair.

Elizabeth Shaw.—On *Friday night*, 30th July 1830, (not having then, nor till a week afterwards, heard of Huntley's disappearance,) between 12 *and* 1 *o'clock*, was at Mr Bainbridge's house, which was just opposite to Goldsborough's. She had brought some linen home from the wash-house. While there she observed Goldsborough go out of his yard; then he went up to the public-house of Catchasides, (also a constable,) and first listened at the door, then at the low window, and then looked up towards the upper window, after which he returned towards his own house. When, about a week afterwards, the witness had heard that Huntley was missing, she went to Goldsborough's house, and found him sitting by a large fire, reading. "Dear me," said the witness to him, "this is a large fire for summer!" He said he had been burning some old rubbish, from under the stairs. There was a strong smell of woollen burning; and while the witness was talking in this way to him, he got up, opened the back window, and stood leaning for some time against it, saying, "I'm only looking out to get a bit of fresh air." Two or three days afterwards, she again saw Goldsborough at his house, and said, "What a sad thing it was if Huntley was murdered!" But all he said was, "You'll all see by and by whether he's murdered or not!"

About that time he appeared greatly troubled in his mind, and not inclined to speak to any one. Goldsborough was a poor man, scarcely able to get a meal of meat, and, in particular, was badly dressed. She believed she had heard Goldsborough, and possibly Huntley, talk of going to America; and thought she had heard Goldsborough say that Huntley had gone to America, and had "rued" it. [This witness gave her evidence in a plain, straightforward manner, admitting that she had had two children before marriage, and had been once in jail for an assault, and once for steeling geese—the truth of which charge she vehemently denied. She did not vary at all in her evidence, under cross-examination.]

Hannah Best, (mother of the last two female witnesses,) used to wash for Goldsborough once a-week; and when at his house on such occasions, used to put one of his two children to bed. The last time she had washed for him was on Friday, 30th July 1830; and on that occasion he said he would himself put his child to bed, but gave no reason for so doing. During the afternoon of that day, she observed him bring in something in a sack on his back, and take it up stairs. She could not recollect ever having seen any shirts in Goldsborough's house that were marked, and must have recollected them if there had been such; nor did she recollect seeing Goldsborough looking into a chest, nor with any such clothes as had been described; nor did she recollect seeing the witness Maw in the house. [This was a stupid old woman of the *non mi ricordo* class; either really recollecting nothing of what had happened, or resolved to say nothing prejudicial to Goldsborough.]

Anthony Wiles, till within the last seven years, had lived next door to his step-sister, who kept a chandler's shop at Hutton Rudby; and where he had often seen Huntley go in to change his money into half-crown pieces, for which he always seemed to have a peculiar fancy. Witness knew Goldsborough well; and recollected the time of Yarm fair, on Monday, 2d August 1830. On the Saturday before (31st July) recollected seeing Goldsborough, *Thomas Groundy*, and two others, in a public-house drinking, in the front kitchen; they came in about twelve o'clock at night, and remained there till four o'clock in the morning. They had at least thirteen pints of ale; and Goldsborough paid for all—giving half-crowns, and getting change for them every second or third pint. The witness was one of those who had searched for Huntley's body on the Friday or Saturday after he was missing. After having been home to get some refreshment, they returned to their task; and while at a hay-stack, which was about two miles from the place where the bones were found, Goldsborough came up, anxious and breathless, and said, "What are you doing there?—a lot of fools! If you'll only wait, I'll bring him forward in a fortnight!"

John Duck was overseer, in 1830, of the parish where Goldsborough then lived; and gave him and his family parish relief in the fore part of that year—viz. five shillings a-week for four weeks.

Robert Hall, a butcher at Hutton Rudby, saw Goldsborough at Yarm fair on Monday, 2d August 1830, buying a red heifer, for which witness saw him pay £7; and observed that he had paper-money, gold, and silver. Recollected also Bewick, accompanied by Mrs Huntley, coming to his shop shortly after Huntley was missing, to inquire of Goldsborough, who was there also, what had become of Huntley.

William Robinson, a weaver at Barnsley.—In the autumn of 1830—towards Martinmas—Goldsborough came to reside with the witness; he took a loom of witness, and called himself "Robert:" when asked his other name, he used to say, "*Touch me lightly!*" He complained, at first, of being poorly, and did not work for some weeks, but would go out with a gun to shoot small birds. When he first came, he had on a pair of broadish woollen fawn-coloured trowsers, and had also a black coat. His box did not arrive till some weeks afterwards; and then he had a green and black plaided coat, a top-coat, two hats, and two watches—one apparently an old, the other a new one, and made of silver. Both had cases when he *first* came, but he subsequently lost the case of the old one. Witness never *saw* him with money; but, from his style of living, he must have had it. Once, on witness talking about buying a pig, Goldsborough told him not to be "fast" for want of a pound or two, and lent him two sovereigns. After living with witness a few weeks, he went away—northward, as he said—and, after a month's absence, returned with a woman, whom he said he had married. They only took their meals with the witness; sleeping elsewhere. They lived much better than witness and his family could afford to live.

William White.—In the spring of 1831, Goldsborough came to live near witness's mother, at Barnsley, under the name of Robert Towers. He used to have witness to go out with him shooting, to gather his birds—and the first time he paid witness anything, was a shilling, which he took out of a quantity of gold and silver—there must have been as much as £15 or £16, and 30s. worth of silver, or thereabouts. He had a watch, with a scarlet ribbon and two large seals, which he wore—and another with no outer case. He once offered to sell witness the watch he wore; and on his declining, asked him if he would buy the inside of another, which also the witness declined. At this time, he had been about four or five months at Barnsley. Once the witness asked him where he had come from; and he replied, Darlington. Soon after he came he bought a chest of drawers, a corner cupboard, and some chairs. He said he had got £80 from his wife's friends.

Three witnesses were then produced, to speak to the peculiarities of Huntley's personal appearance, and the correspondence of the skull which had been found with the form of his face and head. *One* was a respectable farmer, who had known him for fourteen years, and said, that he had a low nose and forehead, and his head was largeish behind. The witness had seen and examined the skull—“ It was,” he said, “ similar to Huntley’s head, his face, and everything about it.” A *second* witness was a hatter at Hutton Rudby, whose customer Huntley had been. He required a large hat; and on the last occasion, the witness had found it difficult to fit him. He had a particular shaped face, a short one, a broad flat nose, and was much sunk between the eyebrows. The low part of his forehead overhung much, and then fell back; and the hinder part of his head was very large. The *third* witness had known Huntley when a boy, and used, with the other boys, to plague him about his tooth.

Then was adduced the evidence of the discovery of the bones, and the locality where they were found, of which I have already given some account. The “ stell ” in question seemed to be a sort of tributary stream to the river Leven, two or three yards deep, though not broad, and was occasionally subject to floods, when its water would run rapidly down, past the spot where the bones were found, which was in a sort of small bend or curve of the stream, where the current had in a manner undermined the bank, which it left considerably overhanging. As I understood it, this hollowed part must have been still further excavated, for the purpose of receiving the body, which was supposed to have been thrust in “ backside foremost,” leaving the skull at one angle, and the feet at the opposite one of the base of the triangle. The soil was, I believe, alluvial. The spot in question was a secluded one, being the property of a Colonel ——, who had once or twice been seen fishing in it. There was a footbridge, but at a considerable distance, higher up the stream. The whole of a human skeleton was found except the feet, the small bones of which might have been exposed to the action of the current, and from time to time washed away. All the bones, and particularly the skull, were removed most carefully by the hand, so that no injury might be inflicted by spade or pick-axe. When first discovered, it would appear certain that there was a very prominent tooth on the left side of the lower jaw, which arrested the attention of all those who saw it; but soon afterwards, owing to the inconceivable carelessness and stupidity of those intrusted with the custody of such all-important articles, and who permitted every idle visitor to have free access to them, the tooth in question—alas!—was lost! I confess I have seldom experienced such a rising of indignation as when this remarkable deficiency of evidence was thus disgracefully accounted for; and had I been the judge, the very least symptom of my displeasure would have been the disallowance of the costs of any witness in whose custody the bones had been placed when the tooth in question was with them.

To return, however—it was now nearly five o'clock in the afternoon, and as the case for the crown must inevitably close shortly, it was properly determined upon to produce the bones during the broad daylight, to enable the jury, judge, and the witnesses, to see them distinctly. As soon as I heard a whispered suggestion to that effect, I fixed my eyes closely on the prisoner. As soon as he heard the order given to produce the bones, I perceived that he slightly changed colour; and turning his head a little towards the witness-box, where he expected them to be produced, he directed quick furtive glances, while a new square deal box was brought forward, and unlocked. To the eye of a close observer, the prisoner's countenance now evidenced the miserable and almost overpowering agitation he was experiencing—and that, withal, he was nerving himself up, so to speak, for a great effort. I perceived his breast twice or thrice heave heavily; and, though conscious of being watched closely by those around him, he could not keep his eyes for more than a moment away from the box, with whose mysterious contents he was to be so quickly confronted. At length a dark brown skull, the hinder part appearing to have been broken off, was lifted out of the box; the prisoner's underlip drooped a little, and perceptibly quivered for a moment or two—and after one or two glances at the skull, he looked in another direction, his eyes, if I know anything of human expression, full of suppressed agony and terror. Yet again—and again—he glanced at the dumb but fearful witness produced against him; and from a certain tremulous motion of the ends of his neckerchief, I could perceive that his heart was beating violently. Still he never moved from the position which he had occupied since the morning; though I learnt from one of the turnkeys who stood near him in the dock, that at the period I am mentioning, and also at several other periods of the day, he trembled so violently, and his knees seemed so near giving way, that they almost thought he would have fallen.

In these observations concerning the prisoner's demeanour, I am happy to find myself corroborated by a very able and learned friend, himself a close observer, who was leading counsel for the prosecution,* and made a point of watching the prisoner at the moment which I also had selected for so doing. He tells me that he had also observed another little circumstance—that the prisoner listened with comparative unconcern to those portions of the evidence relating to the blood found on the road, the sound of the gun-shot heard in the wood, his possession of the clothes of Huntley, and his conflicting accounts concerning them, and the movements of Huntley; but whenever there was any allusion to the disposal of the body, the carrying of it, and depositing it at Stokesley Beck, he became evidently painfully absorbed by what was said —agitated and apprehensive—always, however, striving to conceal his emotion. For what reason I know not, but no other portions of the skeleton were produced in court than the skull, the jaw-bone, the teeth, and a portion of the pelvis. I examined them all carefully. They were of a dark brown colour, with no appearance of decay—on the contrary, they seemed strong and compact. Most of the teeth were so loose as to fall out of the sockets, unless held in them while the jaw-bone and skull were being examined. None of the teeth were decayed, but such as might have been expected in a healthy adult, who had at all events never had diseased teeth. I examined minutely the socket which had contained, when the bones were first discovered, the prominent tooth—the first molar tooth on the left side of the lower jaw—subsesequently so strangely lost. There was little *apparent* difference between it and its corresponding socket on the other side of the lower jaw; than which, however, it was a trifle deeper, and the outside edge projected a little, and only a little, more outwards. But even had they both been precisely similar, I conceive it yet quite possible that the tooth might, in life, have been a larger one than usual above the gum, and inclining a little outwards so as to cause a perceptible protrusion of the under-lip. As far as my own impression goes, I should certainly have felt great difficulty in pronouncing, from the mere appearance of the socket, that the tooth which it had contained must have been such a prominent and projecting one, as to give the living individual a remarkable peculiarity of countenance. Still, however, it must be borne in mind that a very prominent tooth *that socket actually did contain* when first removed from the earth, unless all the witnesses who said that they had observed it, Mr Strother the surgeon included, are perjured, or labouring under an inconceivable delusion on the subject.

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* Mr Bliss, Q.C.

The skull was dark, and of compact texture; but the first thing that struck one was, that a great portion—nearly two-thirds—of the lower hinder part was wanting, and seemed to have been broken off. It had no appearance of having decayed or mouldered away, but of having been fractured,—broken off; but whether before or after death, I cannot venture to offer an opinion. The edge was rough and abrupt—I mean not smooth and uniform, but strong and well-defined. In short, the missing part *must* have been broken off. I observed no traces whatever of shot-marks in any part of the skull or jaw. If one may be allowed to speculate in such a matter, I should say that, if a loaded gun or pistol had been discharged during lifetime at the person to whom that skull had belonged, say with the muzzle pointed at or near either ear, in a direction parallel, or nearly so, with the other; or if, even, it had been discharged from behind, but in a somewhat upward direction; or if the person had been felled by a heavy blow from behind, and blows subsequently repeated till death ensued; or if, having been in the first instance shot, the back of the head had been battered in by blows from any heavy instrument, whether before or after death;—in any of these cases, I should have expected the skull, after lying ten or twelve years in the ground, without having ever been in any coffin, to present the appearance exhibited by the skull in question, while I was handling and examining it in court. But I could by no means say that such an appearance could not also have been occasioned by any violent injury suffered by the skull five, eight, ten, or twelve years after death. It will be observed that the skull in question was found in a tough clayey soil, near a stream, where it may have lain for twelve years, or more, without probably having ever been touched or disturbed since first deposited there; and, when first discovered, was carefully removed by the hand only of him who first saw it. What inference is to be drawn from the fact that the skull was found full of earth, but not the sockets of the eyes, nor the mouth, I know not. As to judging, from the mere skull, of the general form of the *countenance* during life, it is obviously a matter of infinite difficulty. Who for instance, can tell whether the party's face was a fat or a lean one? All I can say is, that having heard the same account given by so many of the witnesses of Huntley's face and head, and without regarding their further statement that the skull, in their opinion, had belonged to him, I thought it probable that such was the fact. The skull was large, particularly towards the back part; the forehead narrow, and rather retreating; there was some sinking between the eyebrows; and from the bones of the nose, I should think it must have been a flat spreading nose. The only professional witness called, was a respectable surgeon who lived in the neighbourhood where the bones were found. He swore that when he first saw the jaw-bone, a day or two after it had been discovered, it contained the remarkable projecting tooth in question; and from the form of the skull, and of the pelvis, he was confident that they had been those of an adult male. He also said, that from the form of the socket, it must have contained such a tooth as would have given Huntley the appearance described by the witnesses. "It is," said he, holding the skull and jaw-bone together in his hand, "the skull of a person who had a short round face, a low forehead sloping back, a broad flat nose, and a depression at the top of it. The bones," he continued, "appeared to have been in the ground nine or ten years: they *might* have lain there as long even as twenty years; and though certainly much would depend, with reference to such a point, upon the nature of the soil where they had lain, he had not made any chemical examination of it. From the broken appearance of the skull, he pronounced a confident opinion that the person to whom it had belonged 'had died a violent death.'" In answer to a pointed question from the judge, the witness repeated that the tooth in question, when he saw it in the jaw, projected a good deal more than such a tooth generally did. So much for the bones.

Then was offered in evidence the deposition of Thomas Groundy (ante, p. 194), and the prisoner's counsel strongly urged that it was inadmissible. The judge, however, received it. Groundy had been admitted by the magistrates to give evidence, having been himself, thereby, exonerated from the charge against him; that evidence had been given on oath, voluntarily, and in the presence of the prisoner, who might have put to him any questions which he might have thought proper; the witness was since dead; and his deposition fell within the ordinary rule—being *admissible* in evidence; but what *credit* was due to it, was, of course, quite another matter. It may, however, admit of great doubt whether this all-important document was not really inadmissible on a technical ground, which a careful examination of the "*caption*" may suggest to criminal lawyers. The governor of the castle was then sworn, and he proved the fact of Groundy's having been found dead in the manner already described; and then the deposition was formally read in evidence by the officer of the court.

Mr Garbutt (the first witness, and who was also the clerk to the magistrates) then proved, that as soon as the above deposition had been made, he, accompanied by a police-officer, went to Crathorne Wood, and they found places in it exactly corresponding with those named in the deposition. At the instance of the prisoner's counsel, Gernon, the officer to whose care the bones had been first committed, was recalled, and produced a flat button which had been found near the bones, and which was of a different description from the buttons which had been spoken of by the witnesses as worn by Huntley; this circumstance was adduced for the purpose, of course, of weakening the evidence of identity. The prisoner's own statement (ante, p. 196), on being committed for trial, was then formally put in and read. This closed the case against the prisoner; and it being nearly seven o'clock in the evening, the court adjourned—the jury being accommodated during the night in the Castle, so that they might enter into conversation with no persons whatever on any pretence.

When the prisoner was placed again at the bar, at nine o'clock on the ensuing morning, his countenance bore marks of the anxiety and agitation which he must have endured in the interval, and looked worn and haggard indeed. His counsel* then rose, and addressed the jury for three hours, with much eloquence and ingenuity. He impugned the credibility of almost all the witness—especially those who had given the strongest evidence. He denied that there was a tittle of evidence to show that Huntley was not at this moment alive and well—and ridiculed the idea of the skull produced being that of Huntley, commenting with just severity on the absence of the tooth—the great point of the pretended identity. His opinion, he said, was, that the bones had belonged to a female; and his "hypothesis," that some drunken person had fallen from the bridge into the stream, been drowned, and the body carried down by the current, and forced into the bend of the stream, where they had been found. He proceeded to argue, that the prisoner's possession of Huntley's clothes and property—which he denied to be the fact, for the witnesses "could not be depended upon"—was consistent with a scheme between him and Huntley to enable the latter to go to America. He said the evidence was a tissue of exaggerations, misrepresentations, and perjuries—the legitimate produce of the "blood money" which had been had recourse to. If Huntley were murdered, again, might it not have been by Garbutt? or Groundy—who had, immediately after his false evidence, gone and hanged himself, like Judas? He sat down, after a powerful appeal, urging on the jury that it was infinitely better that ten guilty persons should escape, than that one innocent person should be condemned; and Baron Rolfe immediately proceeded to discharge his responsible and difficult duty of summing up the whole case to the jury. I took no notes of it; and do not, consequently, feel myself warranted in giving any *detailed* account of so critical a matter from mere recollection. None of the newspapers has rendered me, in this dilemma, the slightest assistance: for, after giving at great length the speech of the prisoner's counsel (who, of course, must take only one view of the case), the view taken by the judge—the able, experienced, and *impartial* person, on whose view, in nine cases out of ten, adopted by the jury, the prisoner's fate almost exclusively depends—is thus summarily dismissed:—"Mr Baron Rolfe then proceeded to sum up, commenting on the evidence as he proceeded, and pointing out such facts as bore for or against the prisoner;"—but what those facts were, or how dealt with by the judge, the reader of the newspaper has not the slightest glimmering notion afforded him. If anything said by me could have the least weight with the gentlemen who perform the honourable and responsible duties of reporting cases of law—especially in great criminal trials—in the newspapers, I would recommend them to give the *evidence* fully, and also a careful account of the judge's summing up to the jury. The following is the best account I can present of this important summing up.

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* Mr Serjeant Wilkins.

Mr Baron Rolfe was decidedly adverse to a conviction. He first read over to the jury the whole of the evidence which had been adduced in the case; and then gave a lucid statement of the principles by which the law required them to be governed, in estimating the value of that evidence. He left it fairly to them to judge whether sufficient had been done to satisfy them, beyond all *reasonable* doubt, that the bones produced were those of Huntley; but accompanied by a strong expression of his own opinion, that the evidence was of an unsatisfactory nature. Unless they were satisfied on *that* head, there was an end of the case; for the very first step failed, viz., proving that Huntley was dead. If, however, on the whole of the facts, they should feel satisfied in the affirmative, then came the two other great questions in the case—had Huntley been *murdered?*—and by the prisoner at the bar? Was the evidence strong enough to bring home the charge to him? His lordship advised them to place little or no reliance on the evidence contained in Groundy's deposition; and then proceeded to analyze the *vivâ voce* evidence which had been given. Even if the whole of it were believed by the jury, still it was not *absolutely* inconsistent with the fact of the prisoner's innocence of having murdered Huntley, and with the truth of his story that he had assisted Huntley in going off secretly to America. Without impugning the general character of the witnesses, his lordship pointed out how unconsciously liable persons were, in cases like these, to fit facts to preconceived notions, giving them a complexion and a connexion not warrantable by the reality—and all this without *intending* to state what they believed to be untrue. Many of the facts spoken to were utterly irreconcilable with the supposition of the prisoner's conscious guilt; while others again were certainly difficult to be accounted for on the supposition of his innocence. Some were highly improbable, and others inconsistent; while in one or two instances there were material discrepancies between the witnesses: for instance, Maw spoke positively to seeing *six* shirts, numbered accordingly, up to "W. H. 6"; whereas Bewick proved that there were only *five*—that Huntley and the prisoner had bought a web sufficient to make them five shirts apiece. Again, the time and place where the blood was found—if found it had been—and the two reports of a gun in the wood, were, especially when coupled with the great distance from that locality of the spot where the bones were found, circumstances very difficult to connect with the death of Huntley, in the manner suggested by the counsel for the crown. The case, in fact, was distinguished by many singular circumstances—and the duty which thus devolved on the jury was a serious and difficult one, requiring of them calm and unprejudiced consideration. They were to remember, that it was for the prosecutor to satisfy them of the guilt of the prisoner—beyond all *reasonable* doubt. If, however, they did entertain serious doubts, then it was their duty to consider the case as *not proved*, or—to use a phrase of which his lordship did not approve—"to give the prisoner *the benefit* of the doubt." Finally, they had sworn to give their verdict *according to the evidence*, and that only. It was their solemn duty to do so, and entirely to disregard any consequences that might follow their verdict.——The jury then retired from court, attended, as usual, by a sworn bailiff, and taking with them the bones which had been produced in evidence. The prisoner eyed them as they went with deep anxiety, and was then removed from the bar, to await the agitating moment of their return. While he is sitting alone in this frightful suspense, and the jury are engaged in their solemn deliberation, let us endeavour ourselves to deal with this extraordinary case, by considering the principles which our law brings to bear upon such an enquiry—the various solutions of which the facts are susceptible, and which of those solutions we should ourselves be inclined to adopt.

Let us consider for a moment what difficulties the law has to contend with in setting about to discover the perpetrator of such an enormous crime as that of murder—that is, of malicious and premeditated killing. In such a case the deed is done, not suddenly, openly, recklessly—the criminal, in the frenzy of the moment, avowing his guilt, or, with the sullen feeling of gratified malice, making no attempt to fly from, or conceal it, but secretly, with time and place so carefully pre-arranged, as to leave no trace of his presence or his acts, and thereby secure every chance of impunity. His success will depend almost entirely, in such a horrid emergency, upon his forethought and self-possession before, during, and after, the doing of such a "deed of dreadful note." He will either be alone in his guilt, or select a confederate or confederates not likely to betray him. His object will be entirely to disconnect himself with the transaction, so as to appear equally innocent and ignorant of it; for which reason he must, to the utmost of his ability, enact, without seeming to do so, the part of a stranger, shocked and horrified, with the rest of the world, at the atrocious act. But to do this successfully, how he must be ever on his guard! for if he be taken one instant unawares, the mortal thrust comes, and all is over. The law, therefore, has often to grope in the dark after the most atrocious criminals. To be cold and circumspect when all mankind are thunderstruck with the appalling discovery—calmly addressing itself to the circumstances *then existing*, even of apparently the most trivial character, amongst which may be found the faint, vanishing traces of the guilty one—some little oversight of his—something said or done, or omitted to be said or done—which no human sagacity could have anticipated or provided against—some delicate *but decisive* evidence of inconsistency, between one single circumstance and a particular person's ignorance or innocence of the black transaction, must be seized upon before it shall disappear for ever—observed accurately, and treasured up safely against the proper moment of disclosure.

Still profoundly anxious equally to avoid accusing the innocent, and allowing the guilty to escape—and aware of the cruel tenacity of public suspicion, when once roused, against the individual, or individuals, towards whom its finger is first pointed, it is slow in announcing the result of its earliest enquiries, even its most stringent convictions, its most conclusive evidences. After a minute and accurate survey of localities, the next enquiry, in case of a murder, is, with whom was the deceased last seen? under what circumstances? what account is given of the matter by such a person or persons? can any *motive* be suggested on the part of any one? Suppose any inconsistency or improbability should be detected in the account given by a suspected person of his last being with the deceased, is it referable fairly to the confusion into which such a startling enquiry might throw the most innocent person, *or*, the more it is considered, the more of purpose and motive is there discernible—the more of conscious falsehood? Has some answer been spontaneously given, suggestive of a necessity for some further enquiry, the answer to which is at once perceived, by an experienced and acute observer, to be utterly inconsistent with the supposition of the speaker's ignorance of the transaction in question? Here begins to kindle the law's suspicion, but here, at the same moment, appear her forbearance and humanity — she will not suffer a suspected person to answer a single question upon compulsion, but, on the contrary, deliberately apprises him of the use which may be made of his answers. Suppose, however, the next discovery should be, that the missing person was, within the knowledge of the suspected person, possessed of a considerable sum of money at the time of his disappearance; that the suspected person, up to that time in abject poverty, becomes suddenly and unaccountably in possession of ample funds, and, moreover, is incontestably possessed of the clothes and other articles of personal property which had belonged to the missing person.

Yet suppose, on the other hand, the suspected person attempts no concealment of these facts; and further, makes a statement, not in itself improbable or inconsistent with the previous circumstances of the missing party, tending to throw strong doubt on the presumed fact of his *death*, to say nothing of his murder, which is consistent, on reflection, with all the proved facts of the case, and with that of the missing party's having, for instance, quitted the country, to return hereafter;—here the law pauses, is staggered, suspects she has taken a false first step, and begins, with increasing anxiety and diffidence, to enquire further into the matter. The suspected person, in the meantime, makes no attempt to escape, though enjoying ample opportunities: and at length the law feels compelled to remove her hand, at least for a while, vehement as may be her suspicions as to his actual guilt. Fresh circumstances are brought to light, tending to the same conclusion, possibly consistent with his innocence, but far more probably with his guilt. Still the suspected party flies not before the darkening features of suspicion, but persists calmly in his original version of the affair.

First, then, said the law in this case, in the autumn of 1830—let me be assured of THE FACT THAT A MURDER HAS BEEN COMMITTED—that the missing person is really dead. Melancholy experience warrants the anxiety of the law on this score, namely, to obtain evidence that the missing person is actually dead. The great Sir Matthew Hale would never allow a conviction for murder, unless proof were first given of the death of the party charged to have been murdered, by either direct evidence of the fact, or the actual finding of the body; "and this," says he (2 Hale, 290), "for the sake of two cases—the *first*, one mentioned by my Lord Coke: 'The niece of a gentleman had been heard to cry out, *Good uncle, do not kill me!* and soon afterwards disappeared. He, being presently suspected of having destroyed her for the sake of her property, was required to produce her before the justices of assize. She, however, had absconded, whereby he was unable to produce her; but, thinking to avert suspicion, procured another girl resembling his niece, and produced her as his niece. The fraud was detected, and, together with other circumstances, appeared so strongly to prove the guilt of the uncle, that he was convicted and executed for the supposed murder of his niece, who, as it afterwards turned out, was still living.' The *second* case," continues Sir Matthew Hale, "happened within my own remembrance in Staffordshire, where one A was long missing; and, upon strong presumptions, B was supposed to have murdered him, and to have consumed him to ashes in an oven, that he might never be found; and upon this, B was indicted for murder, convicted, and executed. Within one year afterwards, A returned, having been indeed sent beyond seas against his will by B, who had thus been innocent of the offence for which he suffered." But by far the most remarkable case of this kind on record is that of Ambrose Gwynnet, who, on evidence which really appeared conclusive and irresistible, was condemned for murder, hanged, and gibbeted; yet, in consequence of a series of singular circumstances, he survived his supposed execution — escaped to a foreign country, and there actually saw and conversed with the very person for the murder of whom he had been condemned to die. Surely the frightful possibility of the recurrence of such cases as these, warrants the law in requiring full and decisive evidence of the death of the party missing. By this, however, is not meant that actual proof of *the finding and identifying of the body* is absolutely essential. "To lay down a strict rule to such an extent," justly observes Mr Starkie, "might be productive of the most horrible consequences." Accordingly, in *Hindmarch's case* (2 Leach, 571), a mariner being indicted for the murder of his captain at sea, and a witness swearing that he saw the prisoner throw the captain overboard, and proof having been given that he was never seen or heard of afterwards, it was left to the jury to say whether the deceased had not been killed by the prisoner, before being thrown into the sea. The jury found him guilty — with the subsequent unanimous approbation of the twelve judges, to whom the case was referred, and the prisoner was executed. It is indeed easy to imagine cases in which the bodies of murdered persons, especially infants, might be removed at once, and for ever, by the murderers, beyond the reach of discovery.

In the case before us—where was, in 1830, the *corpus delicti*—proof of the fact that a murder had been actually committed? The grounds of *suspicion* were extraordinarily strong; but our law will not convict upon mere suspicion. Then how far was this essential deficiency supplied in 1841, by the discovery of the skeleton, coupled with the additional evidence which that event enabled those engaged in the investigation to collect? First—Was that skeleton the skeleton of Huntley? It was a very singular place for a skeleton to have been found in; the position of the bones was curious, to say the least, strongly favouring the notion of the body to which they had belonged having been hastily doubled up and thrust into the earth in the way suggested; the prominent tooth was a most signal token of identity; and as a *fact*, spoken to by several credible witnesses; the general appearance of the skull certainly suited the descriptions of Huntley's countenance and head given by many witnesses; and its battered, broken appearance behind, was, to say the least, a singular circumstance in the case. But I can add nothing to what I have already presented to the reader on this part of the case—and he must judge for himself.

To come next to the testimony of the witnesses.—Let me first advert to the circumstance of the reward of one hundred pounds offered for the production of such evidence as should lead to a conviction. Whether or not such a procedure be a politic one? whether calculated to assist or obstruct the progress of justice?—in the one case, by stimulating persons who would otherwise be indifferent, into ferreting out real facts; in the other case, by tempting to the fabrication of false evidence for the sake of gain—I shall not stay to enquire. It is in my opinion a question of importance and difficulty; but one thing is clear—the practice affords a constant topic, under the name of "blood-money," for vituperative declamation on behalf of the most guilty prisoner, and is calculated too often to turn the scale the wrong way—to incline a candid, but anxious juryman to a distrust of evidence really of the most satisfactory description. Of course, I can speak for myself only; but I believe that in the case under consideration, all the witnesses intended to speak the truth. I think Baron Rolfe was also of that opinion, though he seemed to suspect that one or two of the witnesses, by long brooding over the matter, had got to put things together which ought not to have been so connected, and even to suppose one or two matters to have happened, which had not. There were certainly discrepancies—but none, as it seemed to me, of a very material description; and could it be otherwise, when such a large body of witnesses came to speak to so many different circumstances, which had happened so long before? An entire concord, in things great and small, would have been a most palpable badge of fraud and falsehood. The circumstance of Huntley's sudden disappearance only the day but one before a particular day, viz., Monday, 2d August, on which *Yarm Fair* was held, will account for a tolerably minute recollection of what happened about that period; and above all, the attention of the whole neighbourhood was directed, *at the time*, to the circumstances attending so remarkable and sudden a disappearance of one of their neighbours and companions. Several of the principal witnesses, moreover, answered promptly in the affirmative to questions put by the prisoner's counsel, manifestly for his advantage—for instance, as to their having heard Huntley himself talk of going to America, and the absence of all concealment by the prisoner of the clothes, &c., belonging to Huntley. As to the discrepancy with reference to the *six* shirts spoken of so distinctly and specifically by Maw, while Bewick, whom he described to have been with him at the time, spoke of there being only *five*, and gave a decisive reason for it, with very great deference to the judge, who deemed it of importance, I think it deserving of little consideration. Bewick *corroborates* Maw up to *five* of the shirts, leaving it plain that Maw is under a *bonâ fide* mistake—after such a lapse of time—as to there having been a sixth. Thus the important fact of the prisoner's being in possession of five new shirts belonging to Huntley, is clearly established; for the mere negative evidence of the old woman, Hannah Best, is unworthy of notice.

Let me first direct attention to the *prisoner's own statement*—a matter which, especially when the statement is made deliberately, is always worthy of attention. "In criminal cases,"—observes the distinguished writer on the Law of Evidence, from whom I have already quoted,—"the statement made by the accused is of essential importance in some points of view. Such is the complexity of human affairs, and so infinite the combinations of circumstances, that the true hypothesis which is capable of explaining and reuniting all the apparently conflicting circumstances of the case, may escape the acutest penetration:—but the prisoner, so far as he alone is concerned, can always afford a clue to them; and though he may be unable to support his statement by evidence, his account of the transaction is, for this purpose, always most material and important. The effect may be, on the one hand, to suggest a view which consists with the innocence of the accused, and might otherwise have escaped observation; while, on the other hand, its effect may be to narrow the question to the consideration whether that statement be or be not excluded by the evidence."

Now, in the present case, the prisoner's statement corroborates a considerable portion of the evidence. He admits a full knowledge, on Thursday, the 22d July 1830, of Huntley's possession of £85, 16s. 4d., and that Thursday, 29th July 1830, was "the very last time he clapped eyes on" Huntley. Nevertheless, four witnesses speak decisively to the fact of their having seen him in Huntley's company at four different periods of the ensuing memorable day, Friday—viz. 5 o'clock A. M.; 3 or 4 o'clock P. M.; 8 o'clock P. M.; and 9 or 10 o'clock P. M.—on the last of which occasions, the prisoner (having a gun in his hand), Huntley, and Garbutt being together, and going towards Crathorne Wood, to which they were then very near. Was this a mere error of recollection, or a wilful falsehood of the prisoner's? Or are all the four witnesses contradicting him—each speaking to a different period of the day, and to a different place—in error, or conspirators and perjurers? If they be speaking the truth, it is next to impossible to believe that Goldsborough could have *forgotten* the circumstance of his having been so much in Huntley's company, up even to within an hour or two of his being so mysteriously missing — knowing that his movements in connexion with Huntley had immediately become the subject of keen enquiry, and most vehement suspicion. If, then, he deliberately falsified the fact, what are we at liberty to infer from that circumstance as to his object and motives for so doing? Again, before he made the statement, he had heard all the evidence against him read over—and an essential part of it was that respecting his having been, so soon after Huntley's disappearance, in possession of his clothes, and also of a large sum of money. Yet he makes no allusion to these matters—neither denies nor accounts for them in any way whatever: and it must not be forgotten that, when arrested by Gernon in June 1841, he denied having ever had any of Huntley's clothes, or his watch. He makes no attempt to account for his sudden possession of so much money between the period of Huntley's disappearance and the spring of 1831—though he did state *then*, that he had married a wife with *eighty* pounds! Nor does he offer any explanation of the contradictory accounts which he had given as to Huntley's having gone to America, and his—the prisoner's—possession of the clothes, &c.; nor re-affirm any of them. In short, his statement appears as remarkable for what it does *not* contain, as it is important for what it *does*. I also consider it characterized—on the supposition of his guilt—by no little tact and circumspection; for he frankly admits a great deal which he felt he might be contradicted in, if he were to deny it—viz., his knowledge of Huntley's receipt of the exact sum (within a few pence) on the day of his actually receiving it; suggesting a motive for his absconding to America, and for his having been so frequently in the prisoner's company—asserting that he finally parted openly with Huntley at the shop door of Farnaby, in the town of Hutton Rudby; and contenting himself with a brief but solemn denial of the truth of Groundy's statement, that the three men had been with Groundy in Crathorne Woods, or Weary Bank Woods.

That statement, and its author's suicide immediately after making it, invest the whole facts of the case with an air of extraordinary mystery. It contains on the face of it surely a glaring improbability—namely, that the prisoner should have been so insane as to commit himself gratuitously and irretrievably to one who he knew might immediately have caused his apprehension, and secured incontestable proof of his guilt in the murdered body. Stranger still, perhaps, is it, that if Groundy really had no further part in the business than he represents in that statement, he should not have disclosed the guilt of Goldsborough at once, instead of continuing ever after burdened with such a guilty secret, and for no adequate motive. It is to be observed that one of the witnesses, Anthony Wiles, (ante, p. 209,) disclosed *incidentally*—(for his evidence was called with another view)—a circumstance worthy of attention—viz., that one of the men with whom the prisoner was drinking on the Saturday night after Huntley's disappearance was *Groundy:* yet the prisoner says, "if it was the last words I had to speak, I never was with him." At all events, a faint ray of light is thrown on the case, by the fact that Groundy was actually acquainted with the prisoner, and in his company about the very time of the transaction deposed to. Again, the truth of his description of the localities is confirmed by those who went to examine them. The prisoner asked him nothing when he made that statement, and the prisoner was invited to question him: *was it because he dared not?*

Let us now follow the course of events. I take it to be proved beyond all reasonable doubt, that, contrary to the deliberately signed statement of the prisoner, he was seen with a gun about ten o'clock at night on Friday, 30th July 1830, in company with Huntley and Garbutt, near a lane or bridle-road leading to Crathorne Wood. That gun he had purchased only a few days previously, but after his knowledge of the fact of Huntley's receipt of his money. The report of a gun is heard from the wood within an hour or an hour and a half afterwards; Huntley is never seen or heard of any more; and between twelve and one o'clock that night, the prisoner is observed stealing out of his house, to go and listen at the constable's house, and, after being so occupied for a minute or two, return to his own. The next time that he is seen is when drinking in company with Groundy late on Saturday night. But, to return for a moment to the wood—it is certainly an embarrassing fact that the witness spoke to having heard *two* reports within half a minute of each other; whereas the prisoner's was a single-barrelled gun. If the witness's recollections were accurate—which I saw no reason whatever to doubt—how is this fact to be accounted for? If the prisoner's were the only gun there, it is next to impossible that he could have so rapidly re-loaded and fired again, especially under the horrid circumstances supposed. Was there, then, a second gun, which had been unobserved by the witness, and in Garbutt's hand?—or beforehand, concealed, in readiness, in the wood?—or had he or the prisoner a *pistol* also, with which to repair an ineffectual first shot?—or was one of the shots fired by a poacher in another part of the wood? However wide of the mark may be all these speculations, there was one fact in evidence respecting this gun which I venture with profound respect to say, that I was surprised at the learned judge's omitting to comment upon to the jury. A day or two after the disappearance of Huntley, Richardson called on the prisoner for payment of this gun, when the prisoner refused, and returned it, saying that he did not want it, *and had not used it:* on which, Richardson put his finger down the muzzle to try it, and drew it back all blackened with discharged powder, and thus convicted him of a falsehood. What inference may we draw from this fact?

Then, as to the blood found on the road—a fact spoken to by two credible witnesses at the trial, one of them having also named it to the constable the same day on which he observed it—was it *human* blood? If so, it was lying very near the spot where Huntley had last been seen; and if *his* blood, it must have been lying there, moreover, two days and two nights—*i. e.*, from Friday midnight, till nine o'clock A. M. on Monday morning. The blood was described as "*stale*-looking," and the weather had been fair and dry, but the road was not a much frequented one. It was spoken of by one witness as a "pool;" but if so, it could not have lain there since the Friday night; blood then shed would have become a dark coagulated mass, possibly covered with dust. Again, on the supposition of its having been Huntley's blood, he must have been murdered on the high-road; was that a probable thing, when they were close by the secret shades of Crathorne Wood, to which they were all seen going? May they have gone into the wood? May Huntley have become alarmed at their conduct—made his way out of the wood into the high-road, and there received the murderous fire of his assailants? But the spot where the blood lay, was, moreover, from four to six miles' distance from Stokesley Beck, where the bones were found. When and by whom was Huntley's body taken to Stokesley Beck? It could not have been taken the same night,—at least, it is very highly improbable that such would be the fact; for the prisoner was at his own house between twelve and one o'clock that night, if the witness was correct in his recollection as to the hour; and, according to Groundy's account, the body of Huntley was lying in the wood on Wednesday the 4th August. Where then had it lain between the Friday night and the Wednesday following? In a secret part of the wood, covered up? or had it been buried on the Friday night temporarily, in the potato garth, where Maw said he saw some earth that looked newly dug?

I own that I am not satisfied with the last part of

Maw's evidence; for it is hard to believe, that had he really witnessed so suspicious an appearance, at such a spot, after such a supposed tragedy, and when actually in quest of the body, he must have called attention to it, and dug it up. I ought to mention, however, that it did not appear that Maw was then aware of the circumstance of the blood on the road. Here let me put together two little circumstances in the case, which may suggest not an unimportant inference. It would appear highly probable, assuming the bones to have been Huntley's, that for obvious reasons his body would have been stripped of its clothing, to lessen any subsequent chances of detection. Now, there were no vestiges of clothing found with the bones, and eleven years was not, I should think, a sufficiently long space of time to admit of woollen clothes decaying or mouldering away so entirely, as to leave no trace of them—not even buttons of bone or metal—with the exception of one large flat button, which was found at or near the spot, and not answering to the description of any belonging to Huntley, and possibly there by mere accident. If Huntley had been shot, his clothes must have been stained and steeped in blood, and the safety of the murderer or murderers would require the destruction of such evidences of their guilt. Now, several witnesses speak to the fact of Goldsborough's being seen alone a day or two after Huntley's disappearance, in his house, late at night, with a large fire (in the first week of August) burning something that gave out a strong "*smell of woollen burning*." May these have been the bloody clothes of Huntley?

To proceed. The prisoner, seen in Huntley's company up to within a few hours of his sudden and total disappearance, is seen, the day but one afterwards, laying out £7 in the purchase of a cow, and in possession of both bank-notes and gold—having been, up to a very short time before, in the most abject poverty, and even destitution;—and, moreover, in possession of a large quantity of clothes belonging, unquestionably, and admittedly by the prisoner, to the missing man. This of itself, unexplained, is sufficient to raise a violent presumption of the prisoner's guilt. But here also great caution is necessary. "If a horse be stolen from A," says Sir Matthew Hale, "and the same day B be found on him, it is a strong presumption that B stole him. Yet I do recollect that, before a very learned and wary judge, in such an instance B was condemned, and executed, at Oxford assizes: and yet, within two assizes afterwards, C being apprehended for another robbery, upon his judgment and execution, confessed that *he* had been the man who stole the horse, and that, being closely pursued, he had desired B, a stranger, to walk his horse for him, while he turned aside, as he said, for a necessary occasion, and escaped, and B was apprehended with the horse, and died innocently."

Now, in the present case, here is a man suddenly missing, known to have been possessed of a considerable sum of money—the prisoner to have been aware of it—to have been seen in his company up to almost the last moment before his disappearance—to have become suddenly enriched, having previously been a pauper—and in possession of many articles of clothing belonging to the missing man. All *these* circumstances point one way; but then, on the other hand, no attempt was made by the prisoner to conceal his possession of either money or clothes, nor to escape or quit the neighbourhood during the time when suspicion was hottest. Then he gives certainly contradictory answers concerning the way in which he became possessed of these matters—but all *may* be reconciled with the story he tells, that the missing man has gone to America, and that he (the prisoner) assisted him, and still seeks to baffle the pursuit of his absent friend. But if the latter story be true, is it probable, is it credible, that Huntley, meditating such an expedition, would first strip himself of all his newly-purchased clothes, leave them behind him, and never afterwards come or send to claim them? All the facts of the case, however, as fairly and as accurately stated as I know how to state them, are now laid before the reader; and is not this indeed a striking specimen of the importance of, and the difficulties attending, circumstantial evidence?

I shall proceed to propose several hypotheses for consideration, in order to see whether any of them will reconcile *all* the circumstances, or which of them will reconcile *most* of them, and in the most natural manner. "The force of circumstantial evidence," observes Mr Starkie, "being exclusive in its nature, and the mere coincidence of the hypothesis with the circumstances being, in the abstract, insufficient, unless they exclude every other supposition, it is essential to inquire, with the most scrupulous attention, what other hypotheses there may be agreeing wholly or partially with the facts in evidence. Those which agree even partially with the circumstances are not unworthy of examination, because they lead to a more accurate examination of those facts with which, at first, they might appear to be inconsistent; and it is possible that on a more accurate examination of these facts, their authenticity may be rendered doubtful, or even altogether disproved." The same able writer from whom this passage is quoted has another observation, which also should be kept in view, while dealing with the facts of this case.

"To *acquit*, on light, trivial, and fanciful suppositions, and remote conjectures, is a virtual violation of the juror's oath; while, on the other hand, he ought not to *condemn*, unless the evidence exclude from his mind all reasonable doubt as to the guilt of the accused, and unless he be so convinced by the evidence, that he would venture to act upon that conviction, in matters of the highest concern and importance to his own interest."

First Hypothesis.—Huntley really did go off in the way alleged, to America or elsewhere, to avoid his creditors, and also his wife, from whom he had already separated, and to be relieved from the burden of supporting her. He may have since died a natural—an accidental—or a violent death, under circumstances depriving him of the opportunity of disposing by will of what he knew was coming to him; and this death may have happened very shortly after his departure. He left the more valuable portions of his clothes and property, and a great portion of his money, in Goldsborough's hands, to be forwarded to him at the first convenient opportunity; and Goldsborough acted dishonestly by him, in disposing of the clothes, and spending the money. Huntley may be now alive, and meditating a return home.

Second Hypothesis.—Huntley is dead, and was murdered by Garbutt, in whose company he had been left by Goldsborough.—Garbutt being also pursued by the officers of justice for other offences, hastily absconded, and may now be dead, or abroad.

Third Hypothesis.—Groundy was the actual murderer, possibly instigated by Goldsborough; or Goldsborough was only subsequently informed by Groundy of the murder, and insisted on receiving a great portion of the money, as the price of his silence.—He committed suicide from fear lest his guilt should come out in court, at the trial—through his being unable to stand solemn and public questioning upon the subject. He may have been also partly influenced by remorse at having wrongfully sworn away the life of Goldsborough.

Fourth Hypothesis.—Groundy, Garbutt, and Goldsborough, or Groundy and Goldsborough, were all concerned as principals in the murder. The second gun was Groundy's, who joined them in the wood.

Lastly.—With reference to the prisoner at the bar, let us inquire more fully, whether his guilt, or innocence, be more consistent with the proved facts of the case.

If *innocent*, he must stand or fall by the story of Huntley's having left him on his way to America, after in vain pressing Goldsborough to accompany him. It certainly does appear that Huntley had contemplated such a step, and there are other circumstances favouring the notion that Goldsborough and Huntley had been busily concerting a scheme for Huntley's going off privately to America. He was, during the whole of the time between the 22d and 30th July, incessantly coming over to Goldsborough, and remaining in his company. At five o'clock in the morning of the day of his disappearance, he was seen coming to Goldsborough's house, where he was immediately admitted. They may have arranged that Goldsborough should go and fetch Huntley's things, the same day, from Huntley's to Goldsborough's house, to keep for, or send after, Huntley; in pursuance of which arrangement Goldsborough went, and returned with the articles in question in a sack, during the afternoon of the same day. It may have been a part of the arrangement, that Huntley should leave a considerable portion of his money in Goldsborough's hands, for safety's sake — to be remitted as Huntley might want it. Or Goldsborough might have promised and intended to follow him shortly afterwards; but fondness for his children may have kept him back — and he may have determined on playing Huntley false, and appropriating the money and property left with him to his own use, relying on Huntley's not venturing to return, lest he should be saddled with the support of his wife; but if he should return, then resolving to impose on him as much difficulty as possible in claiming his own, by converting his money into articles of furniture, and farming purchases. His contradictory accounts of Huntley's movements are consistent with his wish to baffle the pursuers of Huntley, by putting them on false scents; and this may serve to explain his light jocular tone in speaking of Huntley's absence: — "You'll all see, by and by, whether he's murdered or not." In this view of the case, the blood on the road, the gun-shot in the wood, and the burning of clothes soon afterwards, if such facts really happened, have no true connexion with each other; and the skull and bones produced, were not the skull and bones of Huntley. Let it, moreover, be borne in mind, that Goldsborough did not attempt any concealment of property or money, or escape — neither after nor before suspicion had settled on him — nor even when set at liberty after his arrest in the month of July 1841.

But if the prisoner be *guilty*, let us imagine that, from the time of learning that Huntley had become possessed of so considerable a sum of money, the prisoner had conceived the idea of destroying him in order to obtain that money, and in such a manner as to warrant the belief of the neighbourhood that he had only carried into effect his previously expressed intention of going off to America. That in pursuance of such an intention, Huntley had sent his clothes, &c., on the Friday, to the prisoner's house—that, in short, they formed the contents of the bag or sack, which the prisoner was seen carrying into his house on the Friday afternoon. That, either alone, or in company with Garbutt or Groundy, he allured Huntley into Crathorne Wood, under the pretext of shooting a hare, and enjoying a pleasant supper together; which Huntley, who might have become loquacious through previous drinking with the prisoner, and possibly Garbutt and Groundy, or one of them—mentioned to Maw, in a merry humour, on meeting him on the road, as described by Maw. That he may have been shot, either in the wood, or on the high-road, where the blood was found; and his body buried for a while, or concealed in the wood till it could be permanently disposed of. That the prisoner then returned to his own house, and having been, possibly, alarmed by some noise into the suspicion that his motions had been watched, slipped out, shortly afterwards, to ascertain whether there were any grounds for his fears. That he then cleansed himself from any marks of the deed in which he had been engaged, and resolved on the course he should pursue—namely, to give out that he had sent Huntley on his way to America. That, finding the current of suspicion setting in more strongly against him than he had anticipated, he resolved, on due deliberation, distrusting the chance of escaping by flight, to stay and brave it out by a bold and consistent adherence to the fiction of Huntley's having gone off secretly to America. That if neither Garbutt nor Groundy had been originally parties to the murder, the prisoner may have taken both, or either, subsequently, into his confidence, to secure his or their assistance in successfully disposing of the body; rewarding him or them by a sum of money, which he might have represented as being the greater portion of what he had found on the person of Huntley. That, the prisoner, either alone, or assisted by one or both of these men, afterwards disinterred the body, if temporarily buried, or removed it from any place where it had lain hid, and carried it to Stokesley Beck, at night-time, and thrust it naked, into a hole which they dug into the bank of the Beck, as a place distant, secluded, and likely to escape suspicion—bringing home the bloody clothes and burning them as soon as possible. That subsequently, he became agitated, silent, and reserved—tormented by his own reflections, and terrified by the continued strength of public suspicion, and the search after Huntley's body. That his object being to divert the searchers, if possible, from proceeding towards Stokesley Beck, he conceived himself likely to attain that end by himself suggesting that the body might be found there—a bold and desperate expedient, founded on the belief that any suggestion of that sort by *him*, would certainly be disregarded. That, finding the search at length abandoned, and the vehemence of public suspicion to be abating, but yet rendering his continuance at Hutton Rudby troublesome and dangerous, he resolved to transfer his residence, under a feigned name, to Barnsley. That when, many years afterwards, so abruptly challenged as the murderer of Huntley, he was thrown off his guard, so as to forget the notoriety of his having possessed the clothes and property of Huntley, and deny that fact to the officer who took him into custody. That he was dismayed by the appearance of Groundy against him, and dared not ask him any questions, lest he should thereby reveal more of the transaction; and, consequently, felt compelled to content himself with a general denial of Groundy's statements. That he inwardly shrunk from the frightful spectacle of the shattered skull, knowing it to be that of Huntley—and that HORROR looked up at him from these eyeless sockets.——But stay! A sudden stir announces the return, after a long absence, of the jury; and the crowded court is quickly hushed into agitated silence, as the jury enter—the foreman carrying with him the skull and bones; and the prisoner is replaced at the bar to hear his doom. The judge has in readiness, but concealed, the black cap, should it become, within a few moments, his dreadful duty to pronounce sentence of death upon the prisoner. The names of the jury are called over one by one, and the prisoner eyes them with unutterable feelings. Then comes the fearful moment.

Clerk of Arraigns.—Gentlemen of the Jury, are you agreed upon your verdict? Do you say that Robert Goldsborough, the prisoner at the bar, is guilty of the murder and felony with which he stands charged, or not guilty?

Foreman.—NOT GUILTY.

Clerk of Arraigns.—Gentlemen of the Jury, you say that the prisoner at the bar, Robert Goldsborough, is not guilty. That is your verdict; and so you say all?—(To the Governor of the Castle)—"Remove the prisoner from the bar."

The verdict did not seem wholly unexpected by the audience; and it was received in blank silence. The prisoner exhibited no symptoms of satisfaction or exultation on hearing the verdict pronounced; but maintained the same phlegmatic *oppressed* air which he had exhibited throughout. As soon, however, as he was removed from the bar, and before he had quitted the dock, he whispered, with tremulous eagerness, in the ear of the officer—"*Can they try me again, lad?*" "No; thou's clear of it now, altogether," was the reply: on which Goldsborough heaved a very deep sigh, and said, "If they'd put me on my trial in 1830, I could have got plenty to come forward and clear me." Within half an hour afterwards, he was seen dressed as he had appeared at the bar of the court, only that he had his hat on, and carried a small bundle of clothes tied up in a blue and white cotton handkerchief under his arm, walking quietly out of the frowning gates of York Castle, once more a free man, to go whithersoever he chose. He was quickly joined by two mean-looking men; and spent the next hour or so in walking about the town, and looking in to the various shop-windows, occasionally followed by a little crowd of boys and others who had recognised him.

How now say YOU, candid and attentive reader? Had you been upon the jury, should you have said—*Guilty*, or *Not Guilty?*

⁂ I asked a very eminent judicial personage to read this sketch, and then favour me with his opinion as to the prisoner's guilt or innocence. His lordship did so, and said, "I have never read or known of a more interesting, and seldom of a more difficult case. Had I tried it, I should have felt great anxiety; but I think that, upon the whole, I should have been inclined to tell the jury that the evidence was not *quite* strong enough to warrant a conviction. The Scottish verdict of '*Not proven*,' would have exactly met the case; and if I had had the power to recommend such a verdict, my mind would have been greatly relieved."

THE DUKE OF MARLBOROUGH.*

MR ALISON'S "Life of the Duke of Marlborough" is an enchaining romance—the romance of a dazzling but stern reality; and Marlborough is its equally stern and dazzling hero. It is, moreover, a romance equally exciting and instructive to both soldier and civilian; told, too, with the scrupulous truthfulness befitting reality, and by one of sagacity sufficient to perceive that, by so doing, he would preserve the ethereal essence of the romance, rendering it intense to readers for mere excitement (whose name, alas! is now legion), while irradiating the path of plodding inquirers after mere matter of fact. We assert that in these volumes are to be found many essential elements of the most enthralling romance of actual life.† Hairbreadth personal 'scapes of the hero, from captivity and death; glorious battles, but of long doubtful issue; devouring and undying love; plots and counterplots without end, now on a grand, then on a paltry scale, national and individual; implacable animosities, deadly jealousies; enthusiastic gratitude suddenly converted into execrable ingratitude; court favour now blazing in its zenith, then suddenly and disastrously eclipsed; stern fortitude, magnificent heroism amidst exquisite trials and tremendous dangers; the wasting anxieties of the statesman's cabinet and the warrior's tent; what would one have more? And yet there is more, and much more, to be found in these volumes, as we shall hereafter see.

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* *Blackwood's Magazine, Feb.* 1852. *The Life of John Duke of Marlborough; with some Account of his Contemporaries, and of the War of the Succession.*—By ARCHIBALD ALISON, LL.D. Second edition, greatly enlarged. 2 vols. 8vo. William Blackwood and Sons, Edinburgh and London. 1852.

† "How much do the events of real life outstrip all that romance has figured or would venture to portray?" observes Mr Alison (vol. i. p. 403), in describing the pious and enthusiastic greeting given by Prince Eugene to his aged mother, whom he had not seen since his youth, having been driven into exile by the haughty Louis XIV., on whom he had since inflicted such crushing defeats, and at whose expense he had become so great a hero! This interview took place at Brussels, whither Eugene eagerly repaired, immediately after the bloody victory of Oudenarde. "The fortnight I spent with her was the happiest of my life," said her laurelled son.

Mr Alison's hero is he who was known as the "handsome Englishman;" a title conferred upon him, not by sighing ladies fair, but by a man who saw him in his blooming youth, in his twenty-second year—by no less a personage than the great warrior Turenne, under whose auspices he began playing, very eagerly, the brilliant game of soldiering. This was *in the matter*, as the lawyers would say, of the French against the Dutch, wherein he learned the art by which he afterwards gave his teachers fearful evidence of the extent of his obligation to them.—And he *was* handsome. Of that fact Mr Alison has enabled us to judge, by a fine portrait, after Sir Godfrey Kneller, of Marlborough when in the prime of manhood. We cannot conceive a nobler countenance than here looks on the reader; it is the perfection of manly beauty. There is a certain serene frankness, a dignity, a subdued vivacity and power in those symmetrical features which would have enchanted Phidias. The Englishman thinks, and his pulse quickens the while, of that countenance, now so tranquil, suddenly inflamed at Blenheim, Ramilies, Oudenarde, Lille, Malplaquet; then excited by the anxieties of harassing statesmanship, and the indignities inflicted by envy, malevolence, and ingratitude; by and by relaxed with grief, by the loss of an only son; and finally beaming with proud tenderness upon a beautiful, gifted, idolised, and idolising wife—one who, after his death, loftily spurned a ducal suitor for her widowed hand, saying, "If you were the emperor of the world, I would not permit you to succeed in that heart which has been devoted to John Duke of Marlborough."* No man or woman can read these words without a swelling heart, and a belief, which he would be loth to have disturbed, that they indicated a noble nature. What must such a man, he will say, have thought of such a woman? what must such a woman have felt for such a man? Each bound to the other, through all the vicissitudes of life, in adamantine bonds of love and admiration! each, too, possessing great qualities, materially affecting those of the other, as well for good as for evil!

Nor was this remarkable man possessed of a handsome countenance only. His person and gesture were dignified, graceful, and commanding. He had indeed a signal *presence;* he was a perfect master of manner, and his address was so exquisitely fascinating as to dissolve fierce jealousies and animosities, lull suspicion, and even beguile the subtlest diplomacy of its arts. His soothing smile and winning tongue, equally with his bright sword, affected the destinies of empires. Before the bland, soft-spoken commander, "grim-visaged war," in the person of Charles XII. of Sweden, "smoothed his wrinkled front," and the rigid warrior-king, at his instance, bade adieu to the grand and importunate suitor for his alliance, Louis XIV., whom it was the great mission of Marlborough to defeat and humble. The consummate diplomatist was never—no, not for an instant—thrown off his guard: his watchfulness knew no relaxation; and his penetration into the designs of the most astute was quick as profound. He was, in fact, equally great in camp and cabinet—born for the conduct of affairs, which he regulated with a sort of frigid masterliness: a condition, however, which he maintained by rigorous self-command; for, as we shall in due time see, he had powerful feelings and quick sensibilities to suppress and restrain. Lord Bolingbroke said of him, that "he was the greatest general and greatest minister that this country or any other had produced—the perfection of genius, matured by experience." If we may presume to say it, he appears to have been one of those raised up by Providence as a great instrument, for a great exigency in the affairs of mankind. It is true that Marlborough had his faults, and grave ones; but the genius of history is, in such a case, equally outraged by any attempt at suppression or exaggeration. "In estimating the character of the dead," justly observes Mr Aytoun, in his able vindication of the memory of Claverhouse against certain incautious allegations of the most brilliant living historian, "some weight ought surely to be given to the opinion of contemporaries;" and one of the Duke of Marlborough's most eminent military rivals and political opponents, the celebrated Earl of Peterborough, said of him, in a noble spirit, "He was so great a man, *that I have forgotten his faults*."* But can History? No: she abdicates her functions, unless she records truthfully, for the guidance of mankind, both the faults and the excellencies of the great characters whom she has undertaken to delineate. Without scrupulous fidelity here, history may degenerate into false, dishonest, and mischievous eulogy on the one hand, or, on the other, into a libel, and a lie—a lie of unspeakable baseness, for it is regarding the dead, who cannot burst indignant from the tomb in which they were laid with honour, it may have been amidst the tears and sighs of a proud and bereaved nation;—a lie of unspeakable wickedness, for it is designed to live, and, living, to lie to all future ages, in proportion to the strength of the pen which writes it. These are truths to which the heart of mankind instantly responds; and we enunciate them here, only by way of making *continual claim*, to adopt the now exploded phraseology of English law, upon the attention of all biographers and historians. Not that we think this to have been rendered necessary by any recent and glaring cases —for we know of none whatever among English men of letters, in the departments just referred to, in which we have detected any *intention* to slander the dead, or, either favourably or unfavourably, misrepresent the living. We indignantly repudiate the bare possibility; and only desire to impress the necessity of a caution, all but excessive, in making derogatory imputations upon the dead, through placing too great a reliance upon the tittle-tattle of days gone by, written or spoken; upon the means of knowledge possessed by those who gave currency to discreditable rumours; and the trustworthiness of contemporaries, often eager rivals outwitted in the game, and distanced in the race of life and distinction, by him whom they thereupon revengefully resolve to blacken before the eyes of posterity. We concur, in a word, cordially with Lord Mahon in saying, that which we are bound to add he has uniformly acted up to, in his candid, luminous, and elegant *History*:—"Unjustly to lower the fame of a political adversary, or unjustly to raise the fame of an ancestor—to state any fact without sufficient authority, or draw any character without thorough conviction, implies not merely literary failure, *but moral guilt.*" *

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* ALISON, vol. ii. p. 320.

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* Mr Alison seems to attribute this speech, or a similar one, to Lord Bolingbroke.

That the Duke of Marlborough is one of the foremost figures in the picture of England's glory, in that radiant quarter crowded by her warriors and statesmen, is undeniable; and so is Lord Bacon, who stands forth among her philosophers a very giant. But would any biographer or historian deal justly, who failed to apprise us of the real blot upon the character of each? Surely, however, he would not dwell upon that blot with eagerness or exultation; but point it out in the spirit of a benignant sadness; in the reluctant discharge of a painful duty; and that only after having deliberately weighed everything that a judicial mind would require, before arriving at a conclusion so humiliating to humanity.

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* *History of England, from the Peace of Utrecht to that of Aix-la-Chapelle,* vol. i. p. 3.

Four living writers, of high personal character, of great eminence in the ranks of literature, and characterised almost equally by painstaking industry in the collection of materials, but clothing the results of their researches in very different styles of composition, have respectively placed on record their deliberate estimate of the moral and political character of the Duke of Marlborough. These writers are—Mr Hallam, Lord Mahon, Mr Macaulay, and Mr Alison. Mr Hallam's writings are already English classics. He is a stern, straightforward, independent, learned man, of great and exact knowledge. His style is pure, yet characterised chiefly by a kind of rugged vigour. Thus has *he*, in his Constitutional History, dealt with the Duke of Marlborough:—"What, then, must we think, if we find, in the whole of this great man's political life, nothing but ambition and rapacity in his motives, nothing but treachery and intrigue in his means? In short, his whole life was such a picture of meanness and treachery that we must rate military services very high indeed, to preserve any esteem for his memory. * * * The extreme selfishness and treachery of his character make it difficult to believe that he had any further view than to secure himself in the event of a revolution, which he deemed probable. His interest, which was always his deity, did not lie in that direction; and his great sagacity must have perceived it." These are blighting words, and they fall from a writer of great authority, yet liable to the suspicion of occasionally labouring, however unconsciously, under political bias. Lord Mahon, in his *History of England*, speaks with the utmost temper, forbearance, and unwillingness, but in unequivocal condemnation of one important act of Marlborough. He states that "the extent of infidelity" to the cause of the Revolution, among leading ministerial statesmen, "which has more recently come to light from the publication of original papers, is truly appalling. Above all, it is with shame and sorrow that I write it, the Duke of Marlborough's conduct to the Stuarts is, indeed, a foul blot on his illustrious name." After reciting facts which seem, unfortunately, incontestable, he adds, mournfully, "What defence can possibly be offered for such conduct?" Mr Macaulay writes in a spirit of deadly detestation of Marlborough. This gentleman, it need hardly be said, is a gifted disciple of the same political school as Mr Hallam—a man of very great ability; and his History promises to constitute a splendid addition to the stock of enduring English literature. It will also have a powerful and wide-spread influence, whether for good or for evil, over the minds not only of literary and political students, but of that huge class who are content to let others think for them; for its tone is one ever confident and peremptory; the knowledge which it displays is obviously as extensive as minute; he is a consummate master of English, and writes with such alluring brilliance as renders it nearly impossible to lay down his volumes till the perusal of them has been finished, or to pause, as one goes along, to reflect and weigh. Hence the great moral responsibility which such a writer incurs; and all are interested in warning him, as he proceeds with his great undertaking, to throw himself as thoroughly as he may be able into the *judicial* character. We wish that such a writer had never cared a single straw for either Whig or Tory. As for his style, it is one of uncommon force and vividness, but somewhat deficient of the simplicity, *repose*, and dignity of history. What a contrast to the immortal composition of Hume! to whom he stands in perilous proximity, absolutely challenging comparison. Before parting with this brilliant writer, we would, as one of the public which is proud of him, offer him, in the most friendly spirit, an earnest hint that he would, in continuing his labours, disengage the true events of history from merely local and temporary details; and be searchingly on his guard in dealing with characters and principles which run counter to his own views and opinions. Let us now see in what terms Mr Macaulay has ventured to speak of one of the greatest men who ever figured in our history. He says that Marlborough was a man "not less distinguished by avarice and baseness than by capacity and energy — as one whose renown was strangely made up of infamy and glory; thrifty in his very vices, levying ample contributions on ladies enriched by the spoils of more liberal lovers." A "letter written with a certain elevation, was a sure mark that he was going to commit a baseness." Another is written "with that decorum which he never failed to preserve in the midst of guilt and dishonour." And finally, he *already* thus stands before posterity in the pages of Mr Macaulay:—

> "So inconsistent is human nature, that there are tender spots even in seared consciences. And thus this man, who had owed his rise in life to his sister's shame, who had been kept by the most profuse, imperious, and shameless of harlots, and whose public life, to those who can look steadily through the dazzling blaze of genius and glory, will appear a prodigy of turpitude, believed implicitly in the religion which he had learned as a boy, and shuddered at the thought of formally abjuring it. A terrible alternative was before him. The earthly evil which he most dreaded was poverty. The one crime from which his heart recoiled was apostacy. And if the designs of the Court succeeded, he could not doubt that, between poverty and apostacy, he must soon make his choice. He therefore determined to cross those designs; and it soon appeared that there was no guilt and no disgrace which he was not ready to incur, in order to escape from the necessity of parting either with his places or with his religion." *

Such was Marlborough, according to Mr Macaulay; and when we bear in mind that he has yet to deal with thirty-four years' public life of this illustrious personage, whom he may at this moment be painting in, if possible, still darker colours than the above, we may feel excused in feeling anxiety, not only on patriotic grounds, but on Mr Macaulay's own account.

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* *Macaulay's History of England, from the Accession of James II.*, p. 255.

The last of our four living writers dealing with Marlborough is Mr Alison*—a gentleman who has conferred world-wide service, and earned an enduring celebrity in English letters, by the fidelity and power with which he has recorded the mightiest series of events which the world has hitherto seen, and enforced their true teaching. That his *History of Europe* is not open to criticism, it were childishness to deny; but the *maculæ* disappear when set against his uniform and even fastidious fidelity, his prodigious industry, his dispassionate candour in dealing with men and events, his huge accumulation of important, instructive, and deeply-interesting facts, which, but for him, might have been irrecoverably dispersed, and his vivid and picturesque eloquence. Few must they be of his readers who have not hung breathless over his battle-scenes on flood and field; hearing again the awful roar of the cannonade, the deadly rattle of musketry, the thundering charge of cavalry, the steady tramp of vast columns of infantry; beholding the glistening of sabre and bayonet, and all the bloody scene, now fearfully visible, and then, again, as fearfully invisible, for a while, amid the sulphurous smoke! Again, Mr Alison always *places* his attentive reader well, before entering into the battle or siege; giving him an admirable idea of localities, without a knowledge of which his picture would become like the cloudy but glistening confusion of the latter productions of Turner. All this, however, is subordinate to the moral and political aspect of those turbulent times and multitudinous transactions with which Mr Alison had to deal: an aspect which he keeps steadily before his reader's eye, and thus instructs while delighting him; making the past truly and practically tributary to the future. He is ever watchful of the effect produced on affairs, civil or military, by overmastering personal character, which, with its workings, he develops patiently and distinctly: and so with combinations of men and parties; with systems of policy abruptly changed, or subtilely varied to suit purposes, and gain objects, not at first sight visible or easily suspected. Either by natural constitution or from long habit, there may be observed in Mr Alison a disposition to take large views of human affairs; to deal with mankind and their transactions in masses, and on a grand scale: a tendency this, which, if accompanied by accurate thinking, and due attention to details, proportionably indicates the highest order of historical genius. But we must repeat the remark, and with it close these general observations, that Mr Alison's capital qualification as an author, especially a biographical and historical author, appears to us to be his unvarying love of truth, in comparison with which all other objects which can be contemplated by an author are absolutely as nothing.

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* Since become Sir Archibald Alison, Bart.

It was with no little interest that we saw the announcement of Mr Alison's being engaged upon an elaborate Life of Marlborough; who would be depicted by the same then faithful pencil which has delineated Wellington. These are two of the names which glitter brightest in the rolls of fame, and Mr Alison is able thoroughly to appreciate each. Let us ask, in passing, what if these two heroes had changed times and places? Each was thrown on troubled and terrible times; each possessed great intellect, and resplendent military genius. Would Marlborough have played Wellington's, or he Marlborough's part, on the scene of moral and political action? As far as the illustrious living* hero is concerned, the question admits of an instant answer.

We have now, however, the character of Marlborough fairly delivered into the hands of Mr Alison, to be dealt with according to truth and honour. Will he concur with Mr Hallam and Mr Macaulay? If he do, Marlborough must, we suppose, be henceforth regarded as a sort of splendid fiend—revelling in his defiance of the precepts of honour, morality, and religion; prostituting transcendent powers for the basest purposes, and exhibiting the vices of our nature in colossal proportions.—Can Mr Alison vindicate his hero against the sorrowful censures of his noble brother historian? No: he does not attempt it. On the contrary, he is even more emphatic in denouncing the faithlessness of Marlborough than Lord Mahon; placing his treachery to James II., "in a moral point of view," even deeper in infamy than that of Marshal Ney. "And yet," says he, "such is often the inequality of crimes and punishments in this world, that Churchill was raised to the pinnacle of greatness by the very treachery which consigned Ney, with justice, so far as his conduct is concerned, to an ignominious death. History forgets its first and noblest duty when it fails, by its distribution of praise and blame, to counterbalance, as far as its verdict can, this inequality, which, for inscrutable, but doubtless wise purposes, Providence has permitted, in this transient scene. Charity forbids us to scrutinise such conduct too closely."* This is conceived in a spirit at once generous and just; and the acknowledgment thus early and pointedly, of Marlborough's great fault, is marked by signal discretion, such as is likely to carry the reader cheerfully along with his author, and induce a hearty concurrence in his ultimate conclusion. We rejoice, then, that Marlborough has fallen into such hands; and shall proceed, as briefly as is consistent with our space, and the importance of the subject —for it is of importance, and great importance too, and Mr Alison's is a *timely* biography, as we shall soon show —to give such an account of the contents of these two volumes as will, unless we are mistaken, induce our readers to become his.

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* The Duke of Wellington died on the 14th of September (1852), ensuing the February in which this paper was written.

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* Alison's *Marlborough*, vol. i. pp. 16, 17, 18.

There are four reasons why we regard Mr Alison's new work as specially well-timed; and we believe that our readers will, without difficulty, concur in these reasons. First, a full, fair, and popular biography, personal, political, and military, of the great Duke of Marlborough, has recently become a matter of mere justice, because of the blighting denunciations of his conduct and character which Mr Macaulay has so recently exhibited in his widely-circulated volumes, and is doubtless at this moment engaged, *totis viribus*, in enhancing. Secondly, because a great store of invaluable materials for such a biography is in existence, the principal portion having only recently become so, continuing, however, in a state which renders the whole but a sealed book to the public at large. Thirdly, Mr Alison is peculiarly qualified to deal with this state of things, by his unbiassed faithfulness, and the multifarious qualifications which he has acquired in the preparation of his *magnum opus*, the History of Europe during the French Revolution. Lastly, because of the course of public events, now daily becoming the source of greater anxiety to those who look beneath the surface, and would apply effectually the experience of the past, in order to comprehend our present position, and provide against our dark and—as to some eyes it may appear—blood-red future. Let us recur for a moment to the second of these reasons, in order to give the reader a just idea of his obligations to Mr Alison. He may be said to have sunk shafts into five mines. First, the *Marlborough Despatches*, which had lain buried in an unaccountable manner till the month of October 1842, when they were accidentally discovered, under a mass of old military accounts, and other waste paper, by Mr Whateley, the solicitor of the present Duke of Marlborough. In the lumber-room of a house for a long series of years used as the steward's residence, there lay, one upon another, three large boxes; and it was in the undermost one that Mr Whateley made the fortunate discovery, with which his name will ever be deservedly associated, of eighteen folio books, bound in vellum—inestimable documents! "being," says that gentleman, "manuscript copies of despatches and letters of John Duke of Marlborough, in English, French, and some few in Latin,"—extending over the resplendent *decennium* from 1702–1712. These had been, to that moment, totally unknown to any one living; and, what is exceedingly singular, had also escaped the watchful and anxious eye of Archdeacon Coxe, the author of the compendious, elaborate, and authentic "Life" of the great Duke. These precious documents were placed in the hands of an eminent and accomplished military authority, the late Sir George Murray, who published at intervals, beginning in 1845, a selection from the *Despatches*, in five large octavo volumes, ably edited, with copious historical and military notes. As Mr Alison has remarked, Sir George's *Marlborough Despatches* constitute a work of inestimable importance to the historian, and also to the military reader; but they will rarely, if ever, be opened by the general reader. We ourselves have turned from its pages, more than once, hopelessly, with yet a feeling that they contained matter of great interest and importance to a competent and determined military or historical reader. This is Mr Alison's first and richest mine, sunk in his own country. In quest of another he crosses the Channel, and there encounters the *Military Life of Marlborough*, in three volumes, written in France in 1807, at the instance of his mighty admirer, Napoleon:* "towards the composition of which," says Sir George Murray, "every facility of information was afforded which the power of the Emperor could command." This Mr Alison pronounces "the best military narrative of the Duke's exploits which has yet appeared." But Mr Alison is indebted to France for another grand source of authentic information on "the Continental side of the great wars waged by Marlborough"—General *Pelot's* Collection of original Memoirs and Despatches, published in nine quarto volumes, and entitled, "*Mémoires Militaire Rélatifs à la Succession d'Espagne.*" Again, we have the *Dutch* account of this ever-memorable war, published at the Hague in 1721—the "magnificent work" of *Rousset*, in three volumes folio. And yet again, *Kausler's* "admirable summary of great battles, collected from the best authorities, and annexed to his splendid military Atlas." To these must be added, Archdeacon Coxe's *Life*, in three volumes quarto—"the most authentic and valuable which exists," founded on a close examination of all the correspondence known to be in existence at the time; but liable to a serious drawback—that "it is long and expensive, and too full of long documents, and letters, *in the text.*" What are all these works, exclaims the embarrassed general reader, to *me*—having neither time, nor inclination, nor means for mastering them? You might as well place a man seeking for a richly-chased golden goblet in the midst of the Californian or Australian gold-fields, and point him with exultation to piles of sacks filled with the auriferous dust! Now Mr Alison has, in the two moderate-sized volumes before us, presented the impatient applicant with his desired goblet, and entitled himself thereby to due gratitude. He is scrupulous in owning his obligations, and also in enabling his reader at once, if disposed, to verify facts, and extend his inquiries, by placing at the end of every paragraph, as in his *History of Europe*, the authorities on which that paragraph is founded. To these are added a carefully-prepared map of France and the Netherlands, "so arranged, as to show the positions of every place, in strict accordance with the text;" and plans of the battles, accurately reduced from the great German work of Kausler, "so well known from the splendour of its finishing, and the accuracy of its details." To all this we have yet to add, that Mr Alison appears also to have consulted every other work hitherto published, having reference to the personal or military life of his hero, and to be familiarly acquainted with everything of importance that has appeared, either contemporaneously or subsequently, concerning the part which the Duke of Marlborough took, or is supposed to have taken, in the momentous politics of the day.

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* "Napoleon hummed the well-known air, *Malbrook s'en va-t-en guerre*, when he crossed the Niemen to commence the Russian campaign. The French nurses used to frighten their children with stories of *Marlbrook!*—as the Orientals, when their horses start, say they see the shadow of Richard Cœur-de-Lion crossing their path."—*Pref.*, iv. v.

We have taken the trouble of being thus particular, out of justice to Mr Alison; for without this detail, neither the value nor the extent of his labours could have been appreciated by the reader; who, if he share our fate, will be carried evenly and rapidly along, from the beginning to the end of these two eloquent volumes, charmed with the result, but never adverting to the laborious and praiseworthy *process*. And we repeat that all this is thoroughly *tanti*—as a matter of even justice to the sedulously-slandered illustrious dead, in this respect sharing the fate of a prophet, who is not without honour, *save in his own country*, (for abroad, Marlborough's memory is radiant with imperishable glory), and also because, as we have intimated, there is a portentous resemblance between Marlborough's time and our own. He was the great champion of Protestantism, in its tremendous encounter with Popery, of which Louis XIV. was the worthy and formidable exponent. "The siege of Lille," says Mr Alison, at the close of his first volume, "one of the most memorable and glorious of which there is any mention in history, like those of Troy and Carthage in ancient, and Malta and Jerusalem in modern times, was not merely the theatre of contest between rival powers, but of struggle between contending principles and rival faiths. The great contest between the Romish Church and the Reformation ultimately issued, as all such schisms in belief must issue, in a terrible war. Louis was the head of the ancient, Marlborough the champion of the new, faith. The circumstance of the Spanish Succession was but an accident, which brought into the field forces on either side, previously arranged under these opposite banners. It was the great division of men's minds which drew them forth, in such strength, into the field of war."* Now let any *thinking* person of 1852 survey the existing attitudes of these fearful and implacable belligerents, as exhibited in their relations, both in this country and on the Continent, and in certain recently-developed political conditions, which they are rapidly moulding, and arranging with a view to action on a scale such as the world has perhaps never witnessed; and the "boldest may hold his breath for a time." He will at length, probably, ask, not without anxiety—Where are we to look for our Marlborough by and by? and perhaps he may add, with an indignant sigh, We would not treat him as our fathers treated theirs!

The romance of the *Life of Marlborough* begins with the very beginning of that life. He bursts upon us a beautiful boy, fascinating everybody by his charming manners—the little heir to the all but ruined fortunes of an ancient and loyal family, which, on the father's side, had come in with the Conqueror, while in his mother's veins ran the blood of the illustrious Sir Francis Drake. He had an only sister, who, a victim to the licentiousness of the times, became mistress of the future James II., the great patron of her brother, and to whom she bore a son: who, as Duke of Berwick, was destined, almost single-handed, to uphold the tottering throne of Louis XIV. against the terrible sword of her brother! That son, commanding the forces of France and Spain during the War of the Succession, almost counterbalanced, by his military genius, his uncle's victories in Germany and Flanders! Lord Bolingbroke said of his nephew, that "he was the *best* great man that ever existed"—and of the uncle, as we have seen, that "he was the perfection of genius matured by experience —the greatest general and greatest minister that our country, or any other, has produced." These two great personages were signalised by the same grand qualities of military genius, of humanity in war, of virtuous conduct in private life: would, however, we could say that the elder hero had no bar sinister on his moral, as the younger had on his heraldic, 'scutcheon! Forgetting, however, for a moment that solitary blot—would we could forget it for ever!—let us concur with Mr Alison in noting so singular and interesting a coincidence, that "England has equal cause to be proud of her victories, and her defeats, in that warfare; for they both were owing to the military genius of the same family, and that one *of her own*."* There was a difference of twenty years between them; and it is again singular, that each, at the same early age—fifteen, showed a sudden irrepressible ardour for arms, impelling them, at the same age, to quit the seductive splendour of the court of Charles II. for foreign service—the uncle, as a volunteer in the expedition to Tangiers, against the Moors; the nephew, twenty years afterwards, against the Turks, under Charles, Duke of Lorraine, in Hungary. It is indeed a most extraordinary fact, already adverted to, that, while the uncle all but subverted the throne of France by his Flemish campaigns, and, but for infamous domestic faction would have done so, his nephew, single-handed, preserved that of Spain for the House of Bourbon! If this be the first step in this romance of reality, the next is one profoundly suggestive to a contemplative mind. We have spoken of a splendid *Decennium* in the Duke of Marlborough's campaigns, that from 1702 to 1712. But what a preceding *Quinquennium*, that from 1672 to 1677, have we here for a moment before us! The "handsome young Englishman," an idol among the profligate beauties of the court of Charles II., had made at length a conquest of his celebrated and favourite mistress, the Countess of Castlemaine, afterwards Duchess of Cleveland. To remove so dangerous a rival in her fickle affections,†

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* Vol. i. pp. 447. 448.

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* Vol. ii. p. 298.

† It would seem that Charles II. would have surprised him, on one occasion, in the company of the Countess; but, to save her credit with the king, he leaped through the window at the risk of his life; in return for which she

Charles gave him a company in the Guards, and then sent him to the continent, *proh pudor!* to *aid* Louis XIV. in subduing the United Provinces. There he sedulously learnt the art of war under Louis's consummate generals, Turenne, Condé, and Vauban; thus acquiring, under Louis's own auspices, that masterly knowledge of the science of war, which was destined to be wielded so soon afterwards, with triumphant and destructive energy, against himself! How little was such a contingency dreamed of when Louis XIV. publicly, at the head of his army, thanked the handsome young hero for his services, and afterwards prevailed on his brother sovereign, Charles, to promote him to high command! And here is suggested the first of several deeply interesting and instructive parallels to be found in this work, between our own incomparable Wellington, and his illustrious predecessor: that Wellington went through the same practical course of study, but in inverse order—his first campaign being *against* the French in Flanders, and his next against the bastions of Tippoo, and the Mahratta horse in Hindostan.

Shortly after the youthful Churchill's return, occurred that event which is of great importance in the lives of all men to whom it happens—marriage; but which to the young soldier was pregnant, for both good and evil, with immense influence upon the whole of his future career, and also upon his personal character. He married the beautiful lady in attendance on the Princess Anne, Miss Sarah Jennings, of spotless purity of character, and like himself, of an ancient and ruined Royalist family. He was then in his twenty-eighth, she in her eighteenth year; and, to anticipate for a moment, after a fond union

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presented him with £5000. With reference to this latter part of the business may be noted a diversity between two of Marlborough's biographers. Archdeacon Coxe ludicrously attempts to explain this splendid present of £5000, on the ground of Churchhill's being in some way *distantly related* to the Duchess. "If the reverend archdeacon," says Mr Alison—with a quaint approach to sarcasm very rare with him—"had been as well acquainted with women as he was with his books, he would have known that beautiful ladies do not, in general, bestow £5000 on distant cousins, whatever they may do on favourite lovers.

of forty-four years' duration, he died in his seventy-second year; she, twenty-two years afterwards, in her eighty-fourth!

Want of fortune for some time delayed their union, which, however, an enthusiastic declaration of his passion at length accelerated. She married, in the young and already celebrated general, a man of not only transcendent capacity, but gentle and generous feelings, and a magnanimity which displayed itself on a thousand trying occasions. Their hearts were passionately true to each other, through every moment of their protracted union and dazzling but chequered fortunes. Her fair fame was never, even in those days of impurity, tarnished by the momentary breath of slander. She possessed great talents, but was also of a haughty ambitious temper, bent upon aggrandisement, and grievously avaricious; and to the ascendency over her husband, which she maintained unabated from first to last, may perhaps be attributed the development of those features in his character which have excited the grief of honourable posterity, and afforded scope for the foulest misrepresentations of his conduct and motives to contemporary and succeeding traducers, rabid with the virus of political hostility. Though impatient to quit the topic, but only for the present, we shall here advert to Marlborough's inexcusable conduct towards James II., for the purpose of citing a passage in the Duchess's own Vindication, on which Mr Macaulay relies, as conclusively demonstrating the mercenary motives influencing Marlborough. That passage, however, does not necessarily sustain the imputation made by Mr Macaulay, though it may justify a suspicion of the sort of motives which *she* might have been in the habit of urging on her confiding husband:—"It were evident to all the world that, as things were carried on by King James II., everybody, sooner or later, *must be ruined* who would not become a Roman Catholic. *This* consideration made me very well pleased at the Prince of Orange's undertaking to rescue me from such slavery." *

That Marlborough should be in high favour with William III. may be easily conceived; for he not only essentially facilitated the enterprise of that great man, but actively supported him in all those critical measures necessary to consolidate his power, and strengthen his novel and splendid position. He acquitted himself so admirably in the Netherlands in 1689, in Ireland in 1690, and again in Flanders in 1691, where he served under William himself, that he was on the way to almost unbounded power with William. But, behold, to the consternation of the whole country, almost immediately after his return with William, early in 1692, he was suddenly arrested and committed to the Tower, on a charge of high treason, in having entered into an association for bringing about the restoration of James II.! As the charge, however, could not be legally substantiated, and was indeed proved to have been supported by fabricated evidence,† he was liberated, but not restored for a considerable time to his former position, there being good reason for believing him, at all events, no stranger to a clandestine correspondence with the exiled family. Well, indeed, may Lord Mahon lament his "perseverance in these deplorable intrigues." ‡ We concur with Mr Alison in his remark, that, with all the light subsequently thrown on Marlborough's history, upon this portion of it there still rests a grievous mystery. Within five years afterwards, however, he was completely re-instated in William's confidence; who in June 1698 positively intrusted his recently discarded servant with the all-important function of tutor to the young Duke of Gloucester, William's nephew, and heir-presumptive to the throne! — saying, on apprising him of the appointment, "My lord, *make my nephew to resemble yourself*, and he will be everything which I can desire!" When

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* Macaulay, 256, note. † Alison, i. 22. ‡ Mahon, i. 21, 22.

William's stern and guarded character is borne in mind, this transaction becomes exceedingly remarkable. Marlborough continued ever after to rise higher and higher in the confidence of his sovereign, who thrice named him one of the Lords Justiciars, to whom the administration of affairs in this country was entrusted during William's absence in Holland; and also appointed him, in 1701, ambassador-extraordinary at the Hague, and commander in chief of the allied forces in Flanders. This double appointment, observes Mr Alison, in effect invested Marlborough with the entire direction of affairs civil and military, so far as England was concerned, on the Continent. And even yet further, previously to his unexpected death shortly afterwards, William enjoined on his successor, the Princess Anne, that she should entrust Marlborough with the supreme direction of the affairs of the kingdom, both civil and military! Three days after her accession, accordingly, she made him a Knight of the Garter, Captain-general of the English forces at home and abroad, Master-general of the Ordnance, and Plenipotentiary, at the Hague; Lady Marlborough, Mistress of the Robes, and Ranger of Windsor Forest; and her two daughters, Ladies of the Bed-chamber. He instantly went over to the Netherlands to assume the command of the Allied army, sixty thousand strong, then lying before Nimeguen, threatened by a superior French force; and, after displaying infinite skill, succeeded in constructing that famous Alliance which was soon to work such wonders in Europe. Here commences the lustrous *decennium* of which we have spoken; and, most fortunately, here also, as we have seen, commence the Despatches so recently recovered. Here he became invested with that unsullied and imperishable glory, which dazzled all eyes but those of his rancorous and inveterate detractors; who were probably influenced not only by venomous jealousy, the canker of little minds, but also, in no slight degree, by his having extinguished all their fond hopes of his co-operation in restoring the discarded Stuarts.

From this point Mr Alison starts brilliantly on his course of chequered and exciting narrative, military and political; revelling amidst marches, counter-marches, feints, surprises, stratagems, sieges, battles; intercalating vivid glimpses of domestic tenderness, grief, and joy; then the plots and counter-plots of tortuous faction and intrigue, in the senate, in the cabinet, and even in the palace. And with all this, the interest ever centres in one object—

> "In shape and gesture proudly eminent,"

John Duke of Marlborough: not because the author appears to wish it, but because of his faithfulness. He has almost unconsciously exhibited his hero, equally whether off his guard or on his guard, manifesting the full power and intensity of a grand character impressing its will upon men and affairs, irresistibly, and in defiance of agencies capable of annihilating one only a single degree inferior to the energy which in Marlborough mastered everything, everybody. "To write the life of Marlborough," said the late eloquent Professor Smyth of Cambridge,* "is to write the history of the reign of Queen Anne;" let us add—and also to write it in light. Mr Alison makes a similar observation in the preface to his present work. He intimates that Marlborough was so great that his Life runs into general history: exactly as he who undertakes to write the history of the French Revolution will soon find his narrative turn into the biographies of Wellington and Napoleon, so he who sets about the life of Marlborough will ere long find that he has insensibly become engaged in a general history of the War of the Succession. Well, be it so, if only because that war it is of importance to have better known than in fact it is.

If Mr Alison's object, in the work before us, were to produce a biography to delineate character, and so to group events as to illustrate individuality—he has eminently succeeded; but his very success renders it difficult for those in our position to allow him to speak for himself, as copiously as doubtless he, and also our readers, would wish. As he has mastered his subject, so have we mastered his treatment of it, as, at least, we suppose; and as he took his own course, so shall we; wishing that we could give our readers the pleasure which his book has afforded ourselves. In order, however, to attain that object, they must read the book itself; and to induce them to do so, we proceed to indicate its leading characteristics in our own words, using his own, as far as is consistent with our space and our object.

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* Lectures in Modern History, delivered in the University of Cambridge (Lecture xxiii).

To appreciate the mighty doings of Marlborough, let us glance for a moment at the position in which he found, and the position in which he left, the redoubtable Louis XIV.—him whose memory is for ever rendered detestable by his revocation of the Edict of Nantes, and his bloody exterminating persecution of the Protestants. Marlborough found him the centre of a galaxy of glory, of almost every description of military, political, and intellectual distinction. He was blazing in the zenith of his power and success: he was making France the world, and installing the Roman Catholic religion in a black and bloody predominance. "Unbroken good fortune," says Mr Alison, "had attended all his enterprises, since he had launched into the career of foreign aggrandisement." But how did Marlborough leave him? Let the dying monarch speak for himself. When he felt death approaching, he ordered his infant heir, afterwards Louis XV., to be brought to his bedside; and placing his lean and withered hand* on the head of the child, said with a firm voice,—"My child, you are about to become a great king; but your happiness will depend on your submission to God, and on the care which you take of your subjects.

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* Alison, ii. p. 300.

To attain that, you must avoid, as much as you can, engaging in wars, which are the ruin of the people: do not follow in that respect the bad example which I have given you. I have often engaged in wars from levity, and continued in them from vanity. Do not imitate me, but become a pacific prince." Thus he had learned, at last, a great lesson through the tremendous teaching of Marlborough![*]

That great man seems to have fathomed the character and the purposes of Louis, in all their depth and comprehensiveness, from the first, with an intuitive sagacity; and the patient determination with which he carried out, under circumstances of unparalleled difficulty, his own great conceptions, exhibits perhaps the grandest spectacle to which history can point in the case of a single individual. The reader of these volumes will frequently swell with indignation at the obstacles which were thrown in the way of Marlborough, by envy, faction, selfishness, and with a stupidity interposing, with a fell punctuality, at almost every great crisis during his career, and blighting the most splendid prospects of success. One only a little inferior in magnanimity to Marlborough would have broken down on many different occasions, and fled from the scene of action in disgust and despair. With him, however, it was not so; and yet he was a man of keen sensibility, and has left on record various traces of heart-wrung anguish. Here are one or two, among many scattered over these volumes:—"The unreasonable opposition I have met with has so heated my blood that I am almost mad."—"I am, at this moment, *ten years* older than I was four days ago!"—"My spirits are so broke, that whenever I can get from this employment, I must live quietly, or die."—"My crosses make my life a burthen to me." All this while, nevertheless, the great warrior-statesman was steadily, yet rapidly demolishing the vast fabric of French power and glory, and building up in massive proportions that of his own country. "More, perhaps, than any other man," justly observes Mr Alison, at the close of his work, "Marlborough was the architect of England's greatness; for he at once established on a solid basis the Protestant succession, which secured its religious freedom, and vanquished the formidable enemy which threatened its national independence. His mighty arm bequeathed to his country the honour and the happiness of the eighteenth century—the happiest period, by the admission of all historians, which has dawned upon the world since that of the Antonines in ancient story."*

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[*] "Even the great William," says Professor Smyth, "trained up amid a life of difficulties and war, with an intrepid heart and a sound understanding, was able only to stay the enterprises of Louis; successfully to resist, but not to humble him. It was for Marlborough to teach that unprincipled monarch the danger of ambition, and the instability of human grandeur; it was for Marlborough to disturb his dreams of pleasure and of pride, by filling them with spectres of terror and images of desolation." The lecture from which this is taken is well worthy of a careful perusal.

Let us now take a hasty view of his radiant career, remembering the while that he ever bore about with him that which hung like a millstone round his neck—his indefensible conduct towards James II., the recollection of which must have galled and chafed the sensitive spirit of a soldier, infinitely more than was known to any human being.

Mr Alison opens with an imposing picture of the state of public affairs, both in this country and on the Continent, when Marlborough commenced his campaigns; and also delineates with truth and force the characters of the leading actors, all remarkable personages. Louis XIV. stands foremost, and is sketched with freedom and power.† Then come James II., William III., Queen Anne, Charles XII., Prince Eugene, and, last of all, Marlborough, who, at the close of his first campaign, was regarded both at home and abroad, as "The *Man of Destiny*, raised up by Providence to rescue the Protestant religion and the liberties of Europe from the thraldom of France."* It is, indeed, impossible to conceive any conjuncture of circumstances more critical and perilous than those of this country at the period in question. Not only our religion, but our independence as a nation, and the very existence of social order, were at stake. If one may use such an expression, the odds were immensely against us—against all who were opposed to the giant energy of Louis XIV. The first step to be taken was to form an alliance against him—and it was undertaken by Marlborough with consummate ability; then to induce the British Cabinet to take its right place as "the very soul of the Grand Alliance"—in that, also, he at length succeeded; and then came the trumpet-sound of war against France, which was forthwith proclaimed at London, the Hague, and Vienna. Yet still a practical difficulty remained, and one of peculiar delicacy: for the post of commander-in-chief of the allied forces was greatly coveted by several powerful candidates. Marlborough's own sovereign, Queen Anne, so strongly supported one of them, Prince George of Denmark, her husband, that she even protested she would not declare war unless he was appointed. The Dutch government, however, were resolute on behalf of Marlborough, as the only man equal to sustain the tremendous responsibility; and thus Marlborough became invested with the chief direction, both civil and military, of the forces of the coalition. It was not difficult to foresee the interminable anxieties and vexations which were in store for him, derived from the jealousies and jarring interests of the various states, their ministers and generals, who were under the guidance of Marlborough.

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* Alison, ii. p. 347.

† In Sir James Stephen's *Lectures on the History of France,* just published, there is an admirable and elaborate portraiture of Louis XIV. If the rest of the work is equal to this portion, which is all that we have as yet been able to examine, Cambridge has cause to congratulate herself on the accession of so accomplished and able a professor of modern history.

The plan of operations on the part of Marlborough and Louis XIV. respectively, was as follows:—

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* Alison, i. p. 108.

"A German army, under Louis, Margrave of Baden, was to be collected on the Upper Rhine, to threaten France from the side of Alsace; a second corps, 25,000 strong, composed of Prussian troops from the Palatinate, and Dutch under the Prince of Sarbruck, was to undertake the siege of Kaiserworth; the main army, under the orders of the Earl of Athlone, 35,000 strong, was destined to cover the frontier of Holland from the Rhine to the Meuse, and at the same time cover the siege of Kaiserworth; a fourth body of 10,000, under Cohorn, the celebrated engineer, was collected near the mouth of the Scheldt, and threatened the district of Bruges.

"The preparations on the part of the French were not less vigorous; and from the more concentrated position of their troops, and unity of action among their commanders, they, in the first instance, were enabled to bring a preponderating force into the field. On the Lower Rhine, a force, under the Marquis Bedmar and the Count de la Motte, were stationed opposite to Cohorn, to protect the western Netherlands from insult; Marshal Tallard was detached from the Upper Rhine, with 13,000 men, to interrupt the siege of Kaiserworth; while the main army, under the command nominally of the Duke of Burgundy, really of Marshal Boufflers, a veteran and experienced officer, was stationed in the bishopric of Liege, resting on the strong fortresses with which that district of Flanders abounded. Not only were the forces under his command superior by a third to those that Athlone had at his disposal, the latter being 45,000, the former only 35,000 strong, but they had the immense advantage of being in possession of the whole strong places of Brabant and Flanders, which were all garrisoned by French or Spanish troops, forming not only the best and most secure possible basis for offensive operations, but an iron defensive barrier, requiring to be cut through in successive campaigns, and at an enormous expenditure of blood and treasure, before by any road the frontiers of France could be reached."*

Such as it was, however, says Mr Alison, the barrier required to be cut through; and Marlborough resolved to commence it with the siege of Kaiserworth, a place of great importance. He took it—but at a cost of 5000 men; and then took Venloo, and finally Liege—all places of extreme importance, and desperately defended; and with these feats he concluded the brief but brilliant campaign which laid the foundation of all his future victories. It stripped the French of many of the chief advantages with which they had opened the war. He had broken through their line, so formidable for offensive and defensive war; he had "thrust his iron gauntlet," says Mr Alison, "into the centre of their resources." And the entire merit was his own, as Lord Athlone, his rival and second in command, thus nobly testified:—"The success of the campaign is entirely owing to its incomparable commander-in-chief; for I, the second in command, was, on every occasion, *of an opposite opinion to that which he adopted!*" His success was like a bright burst of sunshine over a long troubled land! But here an incident occurred which might have ruined all. While dropping down the Meuse, on his return to England, at the conclusion of the campaign, he was positively taken prisoner by a small French force,—whose commander, however, ignorant of the prize which was within his reach, and skilfully misled by a sagacious device of Marlborough's servant, suffered him to depart! The peril in which he had been, spread consternation everywhere, equalled only by joy at his escape, which was powerfully expressed to him by the Pensionary Heinsius. "Your captivity was on the point of causing the slavery of these provinces, and restoring to France the power of extending her uncontrollable dominion over all Europe. No hope remained, if she had retained in bondage the man whom we revere as the instrument of Providence to restore independence to the greater part of the Christian world!" On what apparently trivial incidents often depend the greatest events that can happen to mankind! Marlborough was received with transports in England, and raised to the dukedom of Marlborough. The difficulties which the Dutch deputies had thrown in his way during the first campaign, owing, says Mr Alison, to timidity, ignorance of the military art, personal presumption, and the spirit of party, on several great occasions thwarted the most decisive measures of Marlborough,—but proved only a foretaste of what was in store for the harassed commander. Mr Alison gives an interesting letter which Marlborough wrote to his countess, immediately on his arrival at the Hague. It is full of the passionate fondness of a lover to his mistress; yet was written by a man of fifty-two to a wife to whom he had been married twenty-three years! There are innumerable other instances in these volumes, of the romantic fervour of their attachment.

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* Alison, i. p. 92-3.

Such was Marlborough's first campaign, the herald of a long series of resplendent successes, many of them marked by features similar to those of the first. "He never," indeed, "fought a battle which he did not gain, nor sat down before a town which he did not take; and, alone of the great commanders recorded in history, *never sustained a reverse!* On many occasions throughout the war he was prevented, only by the timidity of the Dutch deputies, or the feeble co-operation of the allied powers, from gaining early and decisive success; and as it was, he broke the power of the Grand Monarque, and if his hands had not in the end been tied up by an intrigue at home, he would have planted the British standards on Montmartre, and anticipated the triumphs of Blucher and Wellington." Here is the key to his position, from first to last—an inkling of the tortures which wrung that great soul throughout his career.

In this first campaign, Marlborough had laid the basis of great operations—which, indeed, followed in such rapid succession, each eclipsing its predecessor in magnitude of result and splendour of achievement, as to throw its foregoer comparatively into the shade. In order to appreciate the greatness of Marlborough, his position, harassed as he was daily by the jealousies and selfishness of the allied forces, which he commanded, should be compared with that of Louis XIV., where all was an overwhelming *unity* of will and purpose, perfect subordination, accompanied by immense military resources and consummate generalship. The war had, indeed, become already one of awful magnitude; for Louis XIV. and his advisers could not have failed to observe the settled determination of purpose, and forecasting sagacity, which characterized their mighty opponent. Louis brought all his power and resources to bear upon the plan of a second and magnificent campaign; showing that he felt the gravity of the situation, and the necessity of making commensurate efforts. "The great genius of Louis XIV. in strategy," says Mr Alison, "here shone forth in full lustre. Instead of confining the war to one of forts and sieges in Flanders and Italy, he resolved to throw the bulk of his forces at once into Bavaria, and operate against Austria from the heart of Germany, by pouring down the valley of the Danube." * * * "The genius of Louis," he adds, after a lucid explanation of the projected campaign, which was indeed grandly conceived, "had outstripped the march of time; and the year 1703 promised the triumphs which were realised on the same ground, and by following the same plan, by Napoleon in 1805."* It was all, however, in vain, though his plans were carried into execution with infinite skill and energy. Marlborough got intelligence of them; and instantly conceived a masterly counter-plan, which, but for his being thwarted, as usual, by the Dutch deputies, would have been completely successful in the first instance. The resources which Marlborough's genius displayed in this transcendent campaign, were prodigious. His rapidity of perception, his far-sighted sagacity, his watchful circumspection, his prompt energy, at length triumphed over all obstacles, and culminated in the glorious battle of Blenheim, than which none more splendid stands on record. The fearful consequences of failure were eagerly pressed upon him by his own officers. "I know the danger," said he calmly, "yet a battle is absolutely necessary; and I rely on the bravery and discipline of the troops, which will make amends for our disadvantages."† Mr Alison's description of this battle is equally brilliant and impressive, and we wish we could transfer it entire into our columns. It was a fearful day for Louis XIV. The total loss of the French and Bavarians, including those who deserted during the calamitous retreat through the Black Forest, was 40,000—" a number greater than any subsequently lost by France till the still more disastrous day of Waterloo." "The decisive blow struck at Blenheim resounded through every part of Europe. It at once destroyed the vast fabric of power which it had taken Louis XIV., aided by the genius of Turenne and Vauban, so long to construct. Instead of proudly descending the valley of the Danube, and threatening Vienna, as did Napoleon in 1805 and 1809, the French were driven in the utmost disorder across the Rhine. Thus, by the operation of one single campaign, was Bavaria crushed, Austria saved, and Germany delivered, * * * and the Empire, delivered from invasion, was preparing to carry its victorious arms into the very heart of France! Such achievements require no comment. They speak for themselves, and deservedly place Marlborough in the highest rank of military commanders. The campaigns of Napoleon exhibit no more decisive or important results."[*] His reception at the courts of Berlin and Hanover was like that of a sovereign prince; and, on his return home, the nation welcomed him with ecstasy. The Honour and manor of Woodstock were settled upon him; and the erection of the palace of Blenheim was commenced on a magnificent scale. Before the opening of this campaign he lost his only surviving son, in his seventeenth year—an event which occasioned him a week's paroxysm of grief. Shortly before, two of his daughters, very beautiful women, were married respectively to the Earl of Bridgewater and Lord Monthermer, whose father was subsequently raised to the rank of Duke of Montague. Another daughter had been married to Lord Sunderland, who occasioned the Duke of Marlborough intense mortification, by suddenly opposing his policy in the House of Lords. And, indeed, he seems to have suffered exquisitely during this period, from the animosities with which he was assailed at home by the Tories. He sought permission from the queen to resign, and retire into private life; and it was only on her sending him a holograph letter, couched in terms of unusual affection, that he was induced to abstain from a step which would have been so fatal to the fortunes of his country.* It was in this campaign that Marlborough and Prince Eugene came together—the latter a man of great military genius, and of chivalrously noble and generous character. The intimacy and co-operation of such a man must have cheered the spirit of Marlborough in many a dark hour of trial, difficulty, and danger. They never had a difference during all the campaigns in which they acted together. "The records of human achievements can present few, if any, greater men; but beyond all question they can exhibit none in whom so pure and generous a friendship existed, alike unbroken by the selfishness consequent on adverse, and the jealousies springing from prosperous, fortune."

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* Alison, i. p. 125. † *Ibid.* p. 159.

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[*] Alison, i. p. 187

From this period the affairs of perplexed and convulsed Europe may be said to have rested upon the Atlantean shoulders of this marvellous man. The impression left on one's mind, after reading these volumes, is that of wonder how human faculties could sustain, and for such a length of time, so vast and constantly increasing a pressure, alike upon his heart and his intellect. Never, perhaps, was greatness so perseveringly harassed by littleness. He may have exclaimed on a thousand occasions—

> "The times are out of joint! O cursed spite,
> That ever I was born to set them right!"

There is something at once exciting and oppressive in the following vivid picture:—

"No adequate idea can be formed of the greatness of Marlborough's capacity, or the overwhelming load of cares with which he was oppressed, if the other contests which, in addition to his own, he was obliged to carry on, are not taken into consideration. It was not merely his own campaigns, often of the most active kind, which he was called on to direct; he was at the same time charged with the almost entire direction of those in every other quarter, and constantly appealed to whenever a difficulty occurred. At the very moment when his blood was heated by combat, and he was obliged to be ten or twelve hours a-day on horseback with his own troops, he was compelled to steal half the night to carry on his multiplied correspondence with the allied generals or cabinets in every part of Europe. Such was the weight of his authority, the avidity for his direction, that not only was he entrusted with the general design of every campaign, alike in Germany, Italy, Spain, and Flanders, but the details of their execution were constantly submitted to him; and, what was much more vexatious, he was continually called on to adjust by his authority, or heal by his urbanity, the quarrels of the generals, and discord of the cabinets to whom their direction was entrusted. His correspondence affords ample evidence of this. Appeals were made to Marlborough at every time, and from every side: from the Imperial ministers against the inactivity of the Margrave of Baden; from the Margrave against the imbecility of the Imperial cabinet; from Lord Peterborough against the jealousy and tardiness of the Spaniards at the court of the Archduke Charles; from them against the irritability and eccentricity of the English general; from the Hungarian insurgents against the exactions and cruelty of the Imperial government; from them against the restless and rebellious spirit with which the Magyars in every age have been animated.

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* Alison, i. p. 141.

"The confidence universally reposed, not only in his wisdom and justice, but in his conciliatory manners and irresistible address, was the cause of this extraordinary load of important cares with which, in addition to the direction of his own army, he was daily overwhelmed. From Eugene alone he was assailed by no appeals, except for such addition to his forces as might put him in a condition to measure his strength with the enemy. Their ideas were so identical, their minds so entirely cast in the same mould, their military knowledge and capacity so much alike, that it invariably happened that what the one of his own accord *did*, was precisely what the other of his own accord would *have recommended.* Nor was it enough that foreign affairs of such overwhelming magnitude daily oppressed the English general; he had in addition the divisions of the cabinet at home to heal, and the deadly animosity of faction, increasing with every triumph which he won, to appease.

No warrior of modern times, not even excepting Wellington, had such a mass of affairs, both civil and military, to conduct at the same time, and none ever got through them with such consummate ability. The correspondence of the Emperor Napoleon alone, since the days of Cæsar, will bear a comparison with it; but although nothing could exceed the energy and capacity of the French emperor, there was this difference, and it was a vital one, between his position and that of Marlborough — Napoleon commanded, after he attained to greatness, everywhere as a master: he directed his generals with equal authority on the Danube and the Tagus, and dictated to cabinets at Vienna or St Petersburgh nearly as effectively as at St Cloud; but Marlborough had not even the uncontrolled direction of his own army, and beyond it had no influence but what had been extorted by exploits or won by condescension."

The great event of this third campaign was the battle of Ramilies, where Marlborough was within a hair's-breadth of being taken prisoner on the field, and had to fight his way out from his throng of assailants, like the knights of old, sword in hand. No sooner had he succeeded in this, than he had another escape—his horse fell in leaping a ditch; and his equery's head was carried off by a cannon-ball while holding the Duke's stirrup as he mounted another.* This was a very great battle, and attended by signal results—the acquisition of *nearly all Austrian Flanders!* What now was the position of Louis XIV.? "After five years of continued effort, he found himself stripped of all his conquests, shorn of his external influence, and compelled to maintain at once on the frontiers of Germany, Flanders, Spain, and Italy, a contest, from his own resources, with the forces of all Europe. * * * His haughty spirit, long accustomed to prosperity, supported with difficulty the weight of adversity. The war, and all its concerns, was a forbidden subject at court. A melancholy gloom pervaded the halls of Versailles; and frequent bleedings of the monarch himself attested both the violence of his internal agitation and the dread which his physicians entertained of still greater dangers. Overcome by so many calamities, the

* Alison, i. p. 247.

fierce spirit of Louis was at length shaken, and he was prevailed on *to sue for peace!* * After the battle of Ramilies, Marlborough was offered the government of the Netherlands, the emoluments of which were no less than £60,000 a-year; but he magnanimously refused it, from a regard to the public good, and on every subsequent offer of the same splendid and lucrative post, did the same. Ought he not to receive full credit for this noble disinterestedness?

On his return to England he met with a rapturous reception; was thanked by parliament; £5000 a-year was settled on him and his duchess, with their descendants; and the dukedom extended to *heirs female*, "in order," as it was finally expressed, "that England might never be without a title which might recall the remembrance of so much glory." † Equally indefatigable at home as abroad, in peace as in war, he addressed himself at once to his parliamentary duties, and took a leading part in the great and beneficial measure for uniting Scotland with England. His vast influence in the country, and at court, however, excited intense jealousy among both Whigs and Tories.

The ensuing campaign (A.D. 1707) found Louis XIV. "reduced on all sides to his own resources," and thoroughly wakened from his dream of foreign conquests: seeking only, and that with anxiety and alarm, to defend his own frontier. Here, however, two new actors appear on the chequered scene,—the Duke of Marlborough's nephew, the Duke of Berwick, who by his great victory of Almanza counteracted in Spain his uncle's efforts; and Charles XII. of Sweden, a "new and formidable actor on the theatre of affairs in Germany." Louis XIV. made desperate efforts to win over Charles XII., but the exquisite adroitness of Marlborough frustrated them altogether. Louis, however, encouraged by the gleams of success which had been visible in Spain and elsewhere, made immense efforts to recover his lost ground. Marlborough's energies were equally divided between delicate and perilous negotiations with the various European potentates, and another decisive campaign in the field. Both he and Louis made prodigious exertions, and at length were on the point of fighting another great battle; "and, by a most extraordinary coincidence, the two armies were of the same strength, and occupied the same ground, as did those of Napoleon and Wellington a hundred and eight years afterwards!" Marlborough was eager for the fight, confident of a great victory; but, at the eleventh hour, a panic seized his old friends the Dutch deputies, and they compelled him to retire to his former position, and decline the encounter, to his maddening mortification. The enemy, showing no disposition to encounter him, at length retreated, Marlborough advancing, but finding it impossible to bring on a general action. Both armies were led into winter quarters, and Marlborough repaired to England, "where his presence had become indispensably necessary for arresting the progress of public discontent, fanned as it was by court and parliamentary intrigues, and threatening to prove immediately fatal to his own influence and ascendancy, as well as to the best interests of England."*

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* Alison, i. 277, 278. † *Ibid.* p. 287.

Here we are plunged into the vortex of political intrigues,—the principal actors being Harley and St John and Mrs Masham on the one side, and on the other the Duke and Duchess of Marlborough, whose ascendancy over the Queen and the country, and even their own party the Whigs, is perceived giving way, and that rapidly. Mr Alison here shows his dispassionate character to great advantage, holding the balance evenly between all parties. His candid and luminous statement is equally interesting and instructive; and one point he brings out in a very striking manner, though not in so many words: we mean the retributive justice with which the Duke's treachery to

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* Alison, i. p. 330.

James II. was brought home to himself, and also to the Duchess—the latter being utterly incredulous of the ingratitude and treachery of Mrs Masham towards her, and the former equally so in the case of Harley and St John. How often and how bitterly may such reflections have occurred to the Duke and Duchess!

Their position at court had become exceedingly trying; but their treatment of the Queen was highly imprudent, the Duke being doubtless greatly influenced by his imperious and intractable Duchess. Mr Alison regards her as the "faithful representative of the whole Whig party," whose "arrogant domination and grasping disposition were the real causes of their fall from power, and the total change in the foreign policy of England—results not attributable exclusively to female partiality, or a bedchamber intrigue; which were, nevertheless, the ultimate *agents* in the change, and apparently its immediate precursors. The Whigs were haunted as incessantly by dread of a re-action, as the Jacobins of France of a counter-revolution; and apprehended from a change of ministry not merely the total subversion of their party, but serious personal consequences, in respect of the part which had been played to James II." Such is the general conclusion arrived at by Mr Alison—indicative, undoubtedly, of his candour and moderation.

Early in 1708, and while Marlborough was placed in these critical circumstances, occurred the attempt of Louis XIV. to imitate, in some respect, the example of his allied opponents, by invading Great Britain, in order to place the Pretender on the throne. Louis's terrible antagonist, however, Marlborough, was here again to confront him. As commander-in-chief, the Duke crushed the attempt; and the ambitious Chevalier was forced to creep back to Dunkirk ridiculously—the only result being suddenly to reinstate Marlborough at the summit of popularity, and to silence all slanderous imputations upon his fidelity to the cause of the Revolution.

The precarious position of political matters in England, at this crisis, was profoundly appreciated by Marlborough; who said that any considerable reverse on the Continent, or even a campaign as nugatory as the last, would, probably, not only dissolve the Grand Alliance, and undo all that had been done, but place a new administration in power, and possibly seat another dynasty on the throne. He also surveyed, with unerring sagacity and accuracy, the whole position and probable intentions and plans of Louis XIV.; whom he saw preparing for yet one more grand demonstration of force. Marlborough took his plans accordingly; and on the 12th April 1708, in concert with the incomparable Eugene, arranged the plan of operations. He resolved to use the precious opportunity yet available, before the accession of the Tory ministry, for the purpose of striking a tremendous blow. And he did what he purposed; for this campaign was signalized by most resplendent results, glorious to Marlborough almost beyond parallel, and equally disastrous to Louis XIV. Bring what forces, indeed, the latter might into the field—array them under what consummate generals he pleased, and let him select his site, and mature his plan of operations as he chose—all was, as usual, in vain, before the grand genius of Marlborough! Vendôme was here the military mentor of Louis; and he succeeded in surprising Ghent and Bruges into a surrender, greatly to the vexation of Marlborough. But the latter instantly resolved on a scheme as masterly as it proved successful. He resolved to throw himself on his opponent's communication; and, by interposing between him and the French frontier, compel him to fight with his face towards Paris, and his back to Antwerp. This manœuvre was executed with a rapidity commensurate with its importance—and thus Vendôme's skilful plans were entirely disconcerted. He moved off precipitately, followed by Marlborough, who resolved to force him to a decisive action, and succeeded—adding OUDENARDE to his other laurels. This was indeed a fearful affair. Both parties fought with desperation—Vendôme with eighty-five thousand men, Marlborough with eighty thousand. Nothing, however, could resist his generalship and valour; and Vendôme was defeated, with a loss, including deserters, of fully twenty thousand men. "If I had had two hours more of daylight," said Marlborough, "the French army would have been irretrievably routed, great part of it killed or taken, and the war terminated on that day." The results of this sanguinary and splendid battle were immense; entirely altering the character and fate of the campaign. By his admirable movement in interposing between Vendôme and France, Marlborough had gained the incalculable advantage of throwing his opponent, in the event of defeat, into a corner of Flanders, and so leaving exposed the French frontier, and all its great fortresses. Marlborough's eagle eye, perceiving the capabilities of his new position, he resolved to discard all minor objects, pass the whole fortified towns on the frontier, and advance direct on the capital. This daring but prudent design, says Mr Alison, was precisely that of Wellington and Blucher a century afterwards; but Marlborough was overruled—Eugene for once concurring in regarding it as too hazardous; and it was resolved to commence the invasion of the territories of the Grand Monarque, by laying siege to the inestimably important frontier fortress of LILLE, the strongest place in French Flanders, and which would give the Allies a solid footing, a commanding position, in the territories of Louis. The undertaking, however, was most formidable—"for not only was the place itself, the masterpiece of Vauban, of great strength, but the citadel within its walls was still stronger; and, moreover, it was garrisoned by the celebrated Marshal Boufflers, with fifteen thousand choice troops, and every requisite for a vigorous defence."* Besides all this, Vendôme and the Duke of Berwick, at the head of more than a hundred thousand men, lay in an impregnable camp, covered by the canal of Bruges, completely fortified, between Ghent and Bruges, ready to interrupt or raise the siege. But, as usual, we must ask, of what avail? Marlborough sate down before Lille, and it fell. To avert that event, Vendôme and Berwick led forth their magnificent army, a hundred and ten thousand men, preceded by two hundred pieces of cannon, in the finest order, to within a quarter of a league of Marlborough—"everybody expecting the greatest battle, on the morrow, which Europe had ever seen."* Thus grandly they advanced; but as ridiculously retired without firing a shot! Marlborough, however, was of a different humour, and resolved to follow and fight them; and the Duke of Berwick himself has told us what the issue would have been—that Marlborough would have utterly routed his enemy, and probably finished the war that day." But—the accursed Dutch deputies again! They interposed, and Marlborough's heart nearly burst as he beheld the foe retire unmolested. "If Cæsar or Alexander," said Eugene, "had had the Dutch deputies by their side, their conquests would have been less rapid."† The siege went on—a ball striking Eugene on the head, and wounding him severely, whereby the whole burthen of directing and sustaining the vast operations fell on Marlborough alone, till Eugene's recovery. After sixty days' siege, Boufflers was compelled to capitulate, being treated nobly by his captors. Still the citadel remained—but that also fell; and with it the strongest frontier fortress of France, under the eyes of its best generals and most powerful army! This was a siege perhaps the most memorable, and also one of the most bloody, in modern Europe,—standing forth, as Mr Alison elsewhere remarks, in solitary and unapproachable grandeur in European warfare. The Allies were now within reach of the very heart of France; and Louis XIV. was trembling in his halls at Versailles.* Before Marlborough would close his campaign, however, he recovered Ghent and Bruges.

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* Alison, i. p. 406.

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* Alison, i. p. 419.

† *Ibid.* p. 423.

Such was the campaign of 1708, one of the most glorious in the military annals of England, and one in which the enormous capacity of the English general shone forth with perhaps the brightest lustre. The strife of opinion, the war of independence, were alike brought to an issue in that memorable contest, and, as far as military success could do it, to a glorious termination. "But at this moment," says Mr Alison, with a sigh, "faction stepped in to thwart the efforts of patriotism; and his subsequent life is but a record of the efforts of selfish ambition to wrest from the hero the laurels, from the nation the fruits, of victory." †

When the laurelled victor returned to England, he received no favour from the queen, and was treated with studied coldness at court! Faction and intrigue had been and were then busy at their foul work. This was doubtless hard to bear; but what was the situation of the great Louis? His fortunes were desperate; his exchequer was beggared; the land was filled with lamentation; and the horrors of famine were superadded. Then Louis supplicated for peace to those whom he had so long striven to crush and annihilate: a bitter humiliation! And in his extremity he bethought himself of bribing his great conqueror; offering him, directly, no less a sum than nearly a quarter of a million sterling, as the price of his influence for the purpose of obtaining terms advantageous to France. It need not be said that the attempt was scornfully repulsed. The triumphant Allies insisted on terms of compromise which Marlborough himself with noble disinterestedness condemned, and Louis could do nothing but repudiate. Once again, therefore, he took the field with an enormous army of 112,000 men, under his renowned marshal, Villars; and all France was animated, at this momentous crisis, by the conviction that then "it behoved every Frenchman to conquer or die." Marlborough commenced the campaign with 110,000 men; and immense results were looked for, from "the contest of two armies of such magnitude, headed by such leaders, and when the patriotic ardour of the French nation, now raised to the uttermost, was matched against the military strength of the Confederates, matured by a series of victories so long and brilliant." So confident was Villars in the strength of his army, and his intrenched position, that he sent a trumpeter to the Allies' headquarters, to announce that "they would find him behind his lines; or, if they were afraid to attack, he would level them, to give entrance!" With consummate prudence Marlborough declined the invitation, and besieged Tournay—which he took, after a siege of almost unequalled horrors; but he gained by it a fertile and valuable province in French Flanders. Then he determined to take Mons, the next great fortress on the direct road to Paris; but for this it would be necessary to break through Villars' long lines of defence. By a dexterous movement, he succeeded in turning these formidable lines, thirty leagues in length, the results of two months' severe labour, and the subject of such vainglorious boasting by their constructor! They were now rendered utterly useless; and this prodigious feat had been accomplished easily, and without bloodshed. Then came another terrible battle—that of MALPLAQUET, in which Marlborough, with 93,000 men, after the most bloody and obstinately contested contest that had occurred in the war, defeated an army of 95,000,—the noblest which the French monarchy had ever sent forth—strongly posted between two woods—trebly intrenched! "It was," says Mr Alison, "a desperate duel between France and England, in which the whole strength of each nation was put forth. Nothing like it had occurred since Agincourt, nor afterwards occurred till Waterloo." Both Villars and Boufflers performed prodigies of strategy and valour; but of what avail against Marlborough? Then he laid siege to, and took Mons: after which there remained only two more fortresses between the Allies and Paris! These glorious operations, however, formed the subject of only vexatious insults, and paltry and presumptuous criticism, to his malignant enemies in England, with a view to lower his overwhelming influence at home. He was disgusted and disheartened, and went so far as to say to the Queen, with natural but imprudent indignation—"After all I have done, it has not been able to protect me against the malice of a bed-chamber woman!"

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* Alison, i. p. 448.

† *Ibid.* p. 448.

The affairs of the Allies becoming exceedingly critical, Marlborough, after strenuous but futile efforts at negotiation, was forced again to take the field; and projected operations on a grander scale than ever, with a view to promptly closing the war. Again he succeeded in passing immensely strong lines of defence without shot or bloodshed, and sat down before Douai, another fortress of the utmost importance, in every way, to France. Villars received imperative instructions from the alarmed court at Versailles to raise the siege at all hazards; and, at the head of a splendid army of upwards of 90,000 men, most ably generalled, approached, "with all the pomp and circumstance of war," to within musket-shot of Marlborough's position — around whose bayonets, however, played the lustre of Blenheim and Ramilies. Villars advanced—to retire without firing a shot, though his army greatly outnumbered that of Marlborough! Of course, he took Douai, after a bloody siege; and then Bethune, after thirty days of open trenches; where, says the *French* annalist, "Vauban beat the *chamade*—the sad signal which terminated all the sieges undertaken by Marlborough!" It had to sound twice more in that campaign—on the fall of St Venant, and of Aire, after severe sieges; and the trembling Louis, disarrayed of four great frontier fortresses in one campaign, now placed all his hopes on the result of base intrigues, in England, against Marlborough and the war ministry. "What we lose in Flanders," said his triumphant minister, Torcy, "we shall gain in England!"

And there, indeed, his enemies were doing their work with the utmost skill and determination, in order to secure his speedy downfall, and the advent of a ministry which should surrender all that had been gained in the war, humble England before France, and seal the fate of Protestantism and the Succession which upheld it. Their scandalous doings almost wore out Marlborough, making him, as he said, "every minute wish to be a hermit." He nobly resolved, however, harassed and thwarted as he was, to retain his command, "as affording the only security for a good peace, and the Protestant succession to the throne." His enemies in England were this time successful—the Whig ministry fell; and thus ended Marlborough's career as a statesman. And to such a deplorable depth could national meanness sink, that attempts were actually made to inveigle him into *personal* liability for the expense of prosecuting the works at Blenheim, till then carried on by the Treasury! He was received enthusiastically by the people; but neither the Queen nor the Parliament thanked him for his services and sacrifices. Mr Alison at this point presents us with a dazzling summary of these services:—

> "This, therefore, is a convenient period for casting the eyes back on what he had done during the ten years that he had been the real head of the Alliance; and marvellous beyond all example is the retrospect! He began the war on the Waal and the Meuse, with the French standards waving in sight of the Dutch frontier, and the government of the Hague trembling for the fate of their frontier fortress, Nimeguen. He had now brought the Allied ensigns to the Scarpe, conquered Flanders, subdued all its fortresses, and nearly worked through the iron frontier of France itself. Nothing was wanting but the subjugation of its *last* fortress, Arras, to enable the Allies to march to Paris, and dictate a glorious peace in the halls of Versailles. He had defeated the French in four pitched battles and as many combats; he had taken every town to which he had laid siege; he had held together, when often about to separate, the discordant elements of the Grand Alliance. By his daring march to Bavaria, and victory of Blenheim, he had delivered Germany when in the utmost danger; by the succours

he sent to Eugene, he had conquered Italy at Turin; by his prudent dispositions he had saved Spain, after the battle of Almanza. He had broken the power of Louis XIV. when at the zenith of his fame; he had been prevented only by faction at home from completing his overthrow by the capture of his capital. He had never suffered a reverse; he had never alienated a friend; he had conquered by his mildness many enemies. Such deeds require no comment; they are without a parallel in European history, and justly place Marlborough in the place assigned him by Napoleon—at the head of European captains."

The overthrow of Marlborough effected an object quite unlooked for by his eager and short-sighted enemies. The efforts of faction, aided by a palace intrigue, showed what had been due to the greatness of one man. Instantly, as if by enchantment, the fabric of victory raised by his all-potent arm was dissolved. Spain was lost, Flanders reconquered, Germany threatened! The arch of the Grand Alliance fell to pieces:—lamentable results, showing in brighter colours than ever the greatness and patriotism of Marlborough. Again he took the command of the Hague, though no longer possessing the confidence of the government, and entrusted with no control over diplomatic measures; and once again dazzled Europe, and petrified his enemies, by the splendour of his very first achievement. Louis, in order to prevent the irruption of his foes into France, now that almost all his fortresses had been broken through, resolved on the construction of a line of defence on a scale so stupendous as to attract universal wonder — lines subsequently paralleled only by those prodigious ones of Torres Vedras. They were supplied with abundance of cannon, and manned by ninety thousand choice troops of infantry and cavalry under the command of Villars; who might at length reasonably imagine himself both impregnable and unconquerable.

Marlborough was then in his sixty-second year, almost worn out by long service, intense anxieties, and incessant mortifications. "I find myself decay so very fast," he wrote to his Duchess, "that from my heart and soul I wish the Queen and my country a peace, by which I might have the advantage of having a little quiet, which is my greatest ambition."* But his mighty powers addressed themselves once more to a commensurate object—the devising an enterprise which should at a stroke deprive his enemy of all his huge defences, and drive him to fight a decisive battle, or lose his last frontier fortress. Shortly afterwards, he was confounded by Prince Eugene being withdrawn from him, together with a large section of the army, to repair disasters in a distant part of the Continent. This of course rendered Villars suddenly anxious for an encounter; but Louis, his eyes intently fixed on the progress of intrigues in London, had peremptorily prohibited him from fighting. Villars vaingloriously styled his lines "Marlborough's *ne plus ultra*," a subject on which he was abundantly jocular. But Marlborough, having carefully studied them, devised a plan which very soon silenced his boasts, and plunged him into consternation. We must refer our readers to Mr Alison's exciting description of this feat of strategy, by which Marlborough passed his imaginary "*ne plus ultra*" without having fired a shot, without having lost one man—frustrating, by a sudden march, nine months' labour, and suddenly exhibiting to Marshal Villars the palsying spectacle of Marlborough's whole army drawn up in battle array on the *inner* side of the impregnable lines! All this was the work of Marlborough alone. The military critics of the Continent were at a loss for words adequately expressing their admiration of this vast exploit:—

> "Marlborough's manœuvre," says Rousset, "covered him with glory: it was a duel in which the English beat the French general; the armies on either side were present only to render the spectacle more magnificent. In battles and sieges, fortune and the valour of soldiers have often a great share in success; but here everything was the work of the Duke of Marlborough. To gain the lines, they

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* Alison, vol. ii. p. 185, note.

would willingly have compounded for the loss of several thousand lives: thanks to the Duke, they were won without the loss of one; that bloodless victory was entirely owing to his wisdom."*

Marlborough instantly besieged Bouchain, another great fortress, having prevented Villars, by brilliant manœuvring, from coming to its assistance. "The works effecting that purpose," said a Hanoverian officer engaged on the occasion, "were worthy of Julius Cæsar or Alexander Farnese, and the siege one of the prodigies of war. You could not fire a cannon-shot from the trenches without Villars seeing its smoke. He omitted nothing which could suspend or interrupt the works. Vain hope! Our general, invincible on all sides, has foreseen and frustrated all his enterprises."* Marlborough was then pressing on the siege of Quesnoy, the capture of which would have completely broken through the French barrier; when, alas! he suddenly found himself undermined by the intrigues secretly carrying on between the Tories and Louis XIV.; preliminaries of peace were signed between them, afterwards embodied in the execrable Treaty of Utrecht—abandoning the main object of the long, glorious, and successful war—the exclusion of the Bourbon family from the throne of Spain. And what, thinks the reader, was done by Marlborough's enemies, in order to anticipate and frustrate his opposition to these base proceedings? He was ridiculed and libelled everywhere in the bitterest terms; accused of avarice, fraud, extortion; of indolence, cruelty, ambition, and misconduct: even his courage was questioned; and he was denounced as the lowest of mankind! His magnificent passage of the French lines was ridiculed as "the crossing of the kennel;" and the siege of Bouchain stigmatised as an inexorable sacrifice of sixteen thousand men for "the capture of a dovecot!"‡ He was charged with having embezzled £63,319 of the public money during the war in Flanders! and Parliamentary commissioners were employed to investigate the charge, which the contemptuous and indignant warrior in one moment blew into the air. Then he was accused of having prolonged the war for his own pecuniary interests; and finally, he was charged with other pecuniary peculations to an immense amount; and the Queen, on the advice of her infamous ministers, dismissed her illustrious servant from all his employments, in order that the atrocious calumnies might be investigated.

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* Alison, ii. p. 194. † *Ibid.* pp. 199, 200. ‡ *Ibid.* p. 203.

The intelligence of these execrable proceedings was received with transport by the enemies of England abroad; and Louis XIV. exclaimed rapturously, "*The dismissal of Marlborough will do all we can desire.*"* At that moment the fallen warrior-statesman's resplendent services had reduced Louis to a state of desperation, and he, with his whole kingdom, lay at the mercy of Marlborough. Louis had announced his resolve to lead the last army he could muster in person, and conquer or die; but the measures of the ministry averted the direful alternative, and saved his throne at the instant of its becoming defenceless. The perfidious defection of England from the Grand Alliance, paralysed it. England consummated her treachery and dishonour by the peace of Utrecht; which Mr Pitt justly stigmatised as "the indelible reproach of the age," and which entailed on England long-continuing disaster. As for Marlborough, almost every conceivable kind of insult and provocation was heaped upon him; scurrilous mercenaries haunted him with libel and ridicule; and to complete the climax of national meanness, the Treasury payments for the works at Blenheim were discontinued, and the contractors and workmen stimulated to sue the Duke for the arrears due to them, to the extent of £30,000; while a peer, in his place in Parliament, actually charged the veteran hero—John Duke of Marlborough—in his presence, with "having led his troops to certain destruction, in order to *profit by the sale of the officers' commissions!*† The Duke deigned no reply, but on leaving the house condescended to notice his slanderer by a challenge, which the terrified peer instantly communicated to the proper quarter; and the Queen's interference saved him from trembling at twelve paces' distance, before John Duke of Marlborough. To escape the torturing indignities and outrages to which he was exposed, he obtained passports and went abroad.

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* Alison, vol. ii. p. 213. † *Parl. Hist.* vi. p. 1137.

The Duke of Marlborough was welcomed on the Continent with almost the honours due to a crowned head. At Antwerp his arrival and departure were signalised by triple discharges of artillery; the governor received him outside the walls with obsequious respect; deafening acclamations resounded from the multitude as he passed through the streets, every one struggling to catch a glimpse of dishonoured greatness. "All," says Mr Alison, "were struck with his noble air and demeanour, softened, though not weakened, by the approach of age. They declared that his appearance was not less overpowering than his sword. Many burst into tears when they recollected what he had been, and what he was, and how unaccountably the great nation to which he belonged had fallen from the height of glory to such degradation." What pangs must have wrung the heart of the illustrious veteran at such a moment! "Yet was his manner so courteous, and yet animated, his conversation so simple, and yet cheerful, that it was commonly said at the time, 'that the only things he had forgotten were his own deeds, and the only things he remembered were the misfortunes of others.'"

During his absence, his infamous traducers redoubled their efforts to secure his ruin. The terror of his name, the shadow of his distant greatness, must, however, frequently have made themselves felt, if only with the effect of blinding them to the folly of their own machinations. Their calumnious charges were annihilated by him, from abroad, the moment they reached him; and those who had prepared such charges, ignominiously silenced by his clear and decisive refutations. But Blenheim was within the power of a magnanimous people, and they caused the erection of it, at the public cost, to be suspended! The principal creditors sued the Duke personally for what was due to them; and ultimately Blenheim, "this noble pile, this proud monument of a nation's gratitude," would have remained a ruin to this day, but for the Duke's own private contribution of no less a sum than £60,000! One's cheek tingles with shame at the recital; but there stands the humiliating fact!

> Pudet hæc opprobia nobis,
> Et dici potuisse, et non potuisse repelli.

The Duke of Marlborough spent nearly two years on the Continent. Having quitted England on the 30th October 1712, he returned on the 4th August 1714; but under what circumstances? In the full splendour of the romance of history. In contact with Marlborough, every event seems to swell into great proportions, as if owning the presence and power of greatness.

While abroad, his commanding intellect engaged itself in the noblest of causes—upholding the interests of civil and religious liberty, which were bound up indissolubly with the Hanoverian succession. He might have retired for ever from the world, in stern disgust at the treatment which he had experienced; but his magnanimity would not suffer him. He knew that civil despotism, and the triumph of the Romish faith, were identified with the success of Louis. The restoration of the Stuart line was the symbol of the triumph of Popery; and Marlborough continued anxiously to watch the progress of public events, with reference to that "consummation" so "devoutly" to be deprecated. The two years referred to were those of an immeasurably momentous crisis, big with the ultimate destinies of this country. Marlborough was, throughout that crisis, as clear-sighted, resolute, energetic, and skilful in securing the Protestant succession, as he had ever been in the conduct of his wars, every one of which had direct reference to that high and glorious object. He continued the very life and soul of the good cause, which he advanced by incessant watchfulness and discreet and energetic action; carrying on a constant correspondence with his friends both at home and abroad. At length Bolingbroke reached the summit of advancement, and became virtually prime minister. Bent upon the restoration of the Stuarts, in two days' time he had organised a thoroughly Jacobite cabinet, which would unquestionably have proceeded to seat the Stuarts on the throne. But the awful hand of God appeared suddenly in the ordering of events: "The angel of death," to use Mr Alison's words, "defeated the whole objects for which the ministers were labouring so anxiously, and for which they had sacrificed the security and glory of their country." Civil war was almost in the act of breaking out, when the Queen died; having at the last moment taken a step, in nominating the Duke of Shrewsbury to be Lord Treasurer, which annihilated the guilty hopes of Bolingbroke and his party. This was the last act of her life; and on her death the Protestant party took prompt and vigorous measures. George I. was instantly proclaimed king, and in three days' time the great Marlborough reappeared on the scene, the very guardian angel of the newly proclaimed king. His enemies were struck with consternation. "*We are all frightened out of our wits upon the Duke of Marlborough's going to England,*"* wrote one of them to Bolingbroke. The illustrious personage was welcomed with enthusiasm similar to that with which he had been formerly familiar; an immense concourse of citizens attended him into the city, shouting —"Long live George I.! Long live the Duke of Marlborough!" He was at once sworn in of the Privy Council, and visited by the foreign ministers and all the nobility and gentry within reach, and in the evening appeared in the House of Lords, and took the oaths of allegiance and supremacy, his old companions in arms, the Grenadier Guards, firing a *feu-de-joie* on the auspicious occasion. That day effaced the traces of years of injustice. The death of a single individual"—the weak, ungrateful, vacillating Anne—"had restored the patriotic hero to the position in which he stood after the battle of Blenheim!" Though he had resolved to take part no more in the conduct of affairs, he was prevailed upon to resume his post of commander-in-chief, in which great capacity his new sovereign received him with extraordinary demonstrations of satisfaction, "proud to do honour to the chief *under whom he himself had gained his first honours on the field of Oudenarde!*"* The discomfited Jacobites, Bolingbroke, Ormond, and Oxford, were impeached for high treason, for their conduct in seeking to overturn the Act of Settlement, and restore the Stuarts. The former two fled to France, but Oxford remained, and was prosecuted, but acquitted. Here again the character of Marlborough has been maligned, by the charge of having done all in his power to thwart the prosecution, for fear of Lord Oxford's revealing the correspondence of the Duke in early life, after the Revolution. This slander, however, is decisively refuted by two facts—that of the Duke's *hostile vote in every stage of the prosecution!* and by the still more decisive fact, that he was found to have been specially exempted from the proffered amnesty, published by the Pretender, when he landed in Scotland.† This last event—the Rebellion in Scotland—must have been, indeed, as Mr Alison remarks, a sore trial to Marlborough—"more severe than any he had experienced since James II. had been precipitated from the throne; for here was the son of his early patron and benefactor asserting in arms his right to the throne of his fathers!" But the Duke was here true as steel to his principles; and his energy and sagacity extinguished the formidable insurrection, and with it the hopes of the Stuarts. The Pretender returned humbled and ruined to the Continent, in time to witness the death of the monarch Louis XIV., whose guilty ambition had lighted the terrible conflagration, of which a spark had been thus kindled in this country, and which he had lived to see extinguished by such torrents of blood. He was then seventy-seven years of age, miserable in contemplating the wide-spread misery and ruin which he had prostituted all his greatness in order to effect, and shuddering at the recollection of his share in the revocation of the Edict of Nantes. His death-bed reflections and injunctions to his successor we have already laid before the reader.*

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* Alison, ii. p. 263, note.

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* Alison, ii. p. 266.

† *Ibid.* p. 303.

Only a few months previously, Louis's great conqueror had received two startling messages, telling him, in heart-breaking tones, of the transient nothingness of life. His two lovely daughters, the Countess of Bridgewater and the Countess of Sunderland, were cut off in the flower of their beauty, by almost sudden deaths, within a few days of each other. These events pierced him to the heart. Two years afterwards, having, during the interval, experienced various warnings, he was struck with palsy, which deprived him for a time of both speech and resolution. He recovered sufficiently, in a few months' time, to be capable of removal to the country, for the benefit of change of air and of scene. He visited Blenheim; and on going through such of the rooms as were finished, was shown a picture of himself at the battle of Blenheim. He turned away with a mournful air, saying only, but in memorable and significant words, "Something *then!*—but *now!*" †

He continued, on earnest solicitation, to hold his high military office, and discharge its duties, for five years; living also in the tranquil enjoyment of domestic happiness, superintending the education of his grandchildren, and taking special delight in the rising architectural grandeur of Blenheim, down even to the period of his death. He made his last appearance in the House of Lords, on the 27th November 1721; but in June following had a severe and fatal attack of paralysis. It at once prostrated his physical without impairing his mental powers. To a question of his Duchess, whether he heard the prayers which were being read as usual at night in his apartment, he replied, "Yes; and I joined in them!" These were the last words of this great man, who expired calmly a few hours subsequently, in the seventy-second year of his age. He who thus joined in prayers* on his deathbed had, with solemn reverence, joined in them on the eves of Blenheim and of Malplaquet with his whole army; and, amidst all the bloody horrors of war, had, in like manner, remembered his God on every occasion, joining precept with example in a noble spirit of piety. Let us hope that the prayers of the dying warrior were heard and accepted by Him who heareth prayer; and that he quitted life in a spirit different from that of Peter the Great, who said on his death-bed, "I trust that, *in respect of the good I have striven to do my people*, God will pardon my sins!" † Mr Alison charitably "hopes that these words have been realised;" but it is surprising that he did not sorrowfully indicate the fatal fallaciousness of Peter's reliance.

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* *Ante*, p. 265.

† Alison, ii. p. 305.

Marlborough's funeral obsequies were celebrated with extraordinary magnificence, and all ranks and all parties joined in doing him honour. On the sides of the car bearing the coffin, shields were affixed containing emblematic representations of his battles and sieges. Blenheim was there, and the Schellemberg, Ramilies, Oudenarde, and Malplaquet; Ruremonde and Liege, Menin and Dendermonde, Antwerp and Brussels, Ostend and Ghent, Tournay and Lille, Mons and Bouchain, Bethune, St

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* Marlborough had received the sacrament, with great solemnity, in the midnight preceding the battle of Blenheim; and shortly before, divine service had been performed at the head of every regiment and squadron in the Allied army. After the battle he said, that "he had prayed to God more frequently during its continuance, than all the chaplains of both armies put together, which served under his orders."—*Ibid.* vol. i. p. 166.

† *Ibid.* ii. p. 100.

Venant, and Aire. "The number, and the recollections with which they were fraught, made the English ashamed of the manner in which they had used the hero who had filled the world with his renown." *

Thus lived, and thus died, and thus was buried, John Duke of Marlborough; of whom Lord Mahon † takes leave in a strain of solemnity and dignity befitting the occasion:—

> "England lost one of her noblest worthies in John Duke of Marlborough. His achievements do not fall within my limits, and his character seems rather to belong to the historians of another period. Let them endeavour to delineate his vast and various abilities: that genius which saw humbled before it the proudest mareschals of France; that serenity of temper which enabled him patiently to bear, and, bearing, to overcome, all the obstinacy of the Dutch deputies, all the slowness of the German generals; those powers of combination, so provident of failure, and so careful of details, that it might almost be said of him, that before he gave any battle he had already won it. Let them describe him in council as in arms, not always righteous in his end, but ever mighty in his means!"

There was grandeur in the words with which the Garter-king-at-arms closed the ceremonial at the tomb: —" Thus it has pleased Almighty God to take out of this transitory world, into his mercy, the most high, mighty, noble prince, John Duke of Marlborough." ‡

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* Alison, ii. p. 307. † *History of England*, ii. pp. 41, 42.

‡ On Thursday the 18th November 1852, occurred the ever-memorable obsequies of the illustrious Duke of Wellington; obsequies the grandeur of which never was, nor can ever be, surpassed, if even equalled, in this country. He was buried at St Paul's. The day was one of almost religious observance throughout the kingdom. The author, who witnessed the funeral, immediately after quitting the cathedral, thus recorded his impressions, which he hopes the reader will receive indulgently:—

" We have *buried our dead out of our sight*, and Wellington is sleeping by the side of Nelson. How unspeakably precious are these two jewels of the national honour, safe in the sacred keeping of our venerable cathedral! Who will henceforth pass that hallowed structure without a thrill of fond pride and enthusiasm? Where in the wide world sleep two greater warriors—and both Englishmen? Who have turned their vast warlike capacities to nobler purposes, and conferred more extended and enduring benefits upon society by their skill, prowess, and patriotism? Yes, we have just buried our Wellington—

He has passed to his great account, and must stand hereafter before the Searcher of hearts, to give an account of the deeds done in the body, and be judged accordingly.

It becomes us, short-sighted and fallible as we are, to deal cautiously and tenderly with the memory of the illustrious departed. There may have been palliating circumstances in the case of Marlborough's desertion of James which have never yet been taken into account, and which now, probably, never will. Could we hear his own explanation of his conduct towards James, that explanation might change our estimate of his fault, or at least mitigate the asperity of our censures. No one, as the case now stands, can be wicked enough to justify Marlborough's conduct towards James, in remaining in his service, apparently devoted to his interests—those of one of the most confiding masters whom man ever had—after irrevocably committing himself to that master's

that is, all that was mortal of him. In the sublime accents chanted over his dust, and still echoing in our ears—'His body is buried in peace, but his name liveth evermore.' And how? As the image and representative of as pure, exalted, and grand a character as ever distinguished one of the human species. And his obsequies were most magnificently celebrated: in a manner which must have perfectly satisfied even his exacting and idolising countrymen. Everything that taste, love, veneration, and the resources of this great nation could contribute, combined to characterise the proud and mournful ceremony which has only just terminated. Europe sent her greatest heroes to pay reverential homage to our departed mighty one; and they testified by their presence that Arthur Duke of Wellington, Prince of Waterloo, was felt to have been the saviour of Europe. When before has Garter-king-at-arms declared such a gorgeous list of titles? When will he declare such an astonishing list again—and in the presence of so illustrious an assemblage of the royal, noble, and great ones of our own and foreign lands? He has left us full of years—'life draining out clear to the last drop'—full of honours—and entombed in the nation's heart of hearts. She has done what she could, and is now anxiously, but not despondingly, looking round among her surviving sons to see if she can find those worthy to tread in his steps, though they may not be able to fill his giant foot-prints, and keep pace with his mighty strides; hoping still, however, that they may follow in the same direction, by keeping their eyes steadily fixed, as he did, on the triple stars of duty, truth, and honour. The queen has lost, indeed, *a prince and a great man* from among her people, and her royal heart is, perhaps, at this moment throbbing, as her consort tells her, in faltering tones, of the sublime spectacle which he has been witnessing, and the tears which he let fall as the chief royal mourner by the grave of Arthur Duke of Wellington."

enemy, and effectually securing the downfall and destruction of one who had actually saved the life of his treacherous servant, and showered upon him every possible mark of affection and distinction. That Marlborough was conscientiously attached to the cause of Protestantism while he thus acted, we have no doubt whatever; nor that he cherished that attachment to the last moment of his life, and respected it as the star by which he steered throughout his career. We must remember that he had done everything in his power to divert James from his purpose of re-establishing Popery. "My places, and the king's favour," said he, in 1687, "I set at nought, in comparison of being true to my religion. In all things but this the king may command me; and I call God to witness that even with joy I should expose my life in his service, so sensible am I of his favours—I being resolved, though I cannot live the life of a saint, if there be occasion for it, to live the life of a martyr." This he said to William, then Prince of Orange. And during the same year he had thus sternly addressed James himself, when remonstrating with him for "paving the way for the introduction of Popery." He spoke with great warmth, and thus—"What I spoke, sir, proceeded from my zeal for your Majesty's service, which I prefer above all things, next to that of God; and I humbly beseech your Majesty to believe that no subject in the three kingdoms will venture farther than I will, to purchase your favour and good liking. But as I have been bred a Protestant, and intend to live and die in that communion, and as above nine out of ten in England are of that persuasion, I fear, from the genius of the people, and their natural aversion to the Roman Catholic worship, some consequences which I dare not so much as name, and which I cannot contemplate without horror."* That he said this to his infatuated master is indisputable; but it was his duty to have at once quitted the service of that master, on finding that he could not conscientiously continue in it. "Had he done so," says Mr Alison, "and then either taken no part in the revolution, or never appeared in arms against him, the most scrupulous moralist could have discovered nothing reprehensible in his conduct." That course Marlborough, alas! did not take; and that which he did, must have entailed upon his sensitive mind unspeakable misery and mortification throughout life. He must also have foreseen the blot which that conduct would fix for ever on his fair fame—a reflection dimming the splendour of his greatest triumphs, and wringing his heart in its proudest moments of justifiable exultation. When we reflect upon his long and illustrious course of public service, the spotless purity of his private conduct in all the relations of life, as husband, father, friend; his uniform piety, his humanity, generosity, magnanimity, under the most trying circumstances in which man can be placed, we are filled with as much wonder as lamentation at this instance of treachery, this temporary oblivion of all sense of honour and loyalty. But has it not been heavily punished, and has it not been atoned for?

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* Alison, i. pp. 14, 15, note.

The charge, however, of a far more damning character than that of his conduct towards the Stuarts — that of having prolonged the war for his own selfish and even pecuniary ends—is annihilated, after having been reiterated with almost fiendish malignity and perseverance. Mr Alison has placed this matter in the clearest possible light, and accumulated such an overwhelming mass of disproof, that it seems monstrous that any such charge should have been for a moment entertained by even his most rancorous enemies. It now appears, from his correspondence throughout the war, that he pined and languished for its close, in order that he might cease to be the butt of malevolence and calumny, and escape from the crushing pressure of his thankless toils and responsibilities, into the repose of private life. Out of a great number of similar passages which we had marked for quotation, here is one both eloquent and affecting. He is writing to the Duchess from Flanders in 1705, and alluding to the calumnies against himself, which were reported to him from England. "This vile enormous faction of theirs vexes me so much, that I hope the Queen will after this campaign *allow me to retire*, and end my days in praying for her prosperity and making my peace with God."* He repeatedly supplicated to be allowed to resign his command, and only the injunctions of his sovereign, and the importunities of his friends and of the Allies prevailed upon him to persevere. He made the most desperate efforts to bring the war to a speedy close, but also a *safe* one; for he never lost sight for a moment of the great objects with which it had been undertaken. He saw distinctly, from first to last, that there was no real peace for Europe, no guarantee for our own independence, and for our civil and religious liberties, but the complete prostration of the ambition and power of Louis XIV.; and if his own enlightened sagacity had not been repeatedly thwarted by the stupidity or faction of those with whom he had to deal, he would early have deprived his traducers of even the faintest pretext for their imputations upon him.

"I have had to modify my opinion of Marlborough," said the late eloquent Professor Smyth,† "since considering the lately published 'Life' of Archdeacon Coxe. I can no longer consider him as so betrayed by a spirit of personal ambition as I had once suspected, and I have a still stronger impression of his amiable nature in domestic life. The *great* Duke of Marlborough has been always his proper appellation, and he is made greater only by being made more known, by the publication of Mr Coxe; nor can it be doubted that he would appear greater still, the more the difficulties with which he was surrounded, on all occasions, could be appreciated." This is said in a candid and honourable spirit, by a professor whose sacred duty was to give true notions of history, and of the characters figuring in it, to the students of a great university. "These difficulties," continues the professor, "may now be partly estimated; the impetuous temper and consequent imprudence of a wife, whom for her beauty, her talents, and her affection, he naturally idolised; the low, narrow mind, and mulish nature, of the Queen he served; the unreasonable wishes and strange prejudices of the men of influence in his own country; the discordant interests and passions of different states and princes on the Continent; the pertinacity of the field-deputies of Holland, whom he could not send over into the camp of the enemy, their more proper station, and to whose absurdities it gave him the headache to listen." This pithy paragraph well groups together the leading "difficulties" with which this amazing man had to contend; and in Mr Alison's volumes a flood of light is thrown upon them all. None of his readers can fail to feel the profoundest sympathy with harassed greatness. Without compromising his own sense of what is right, or attempting to conceal or disguise the failings of his hero, Mr Alison has painted a picture, at once noble and affecting, of the Duke of Marlborough, in every aspect of his character, in every position, with one woful exception, in which he was placed. In private and in public life, as a friend, as a father, as a husband, as a diplomatist, as a statesman, as a warrior—where is his equal to be found, and how can we be too grateful to one who has placed him, in all these characters, so vividly before us? "If the preceding pages," says Mr Alison modestly, at the close of his biography, "shall contribute in any degree to the illustration of so great a character, and to shed the light of historic truth on the actions of one of the most illustrious men whom the world has ever produced, the author's labours will not have been incurred in vain." They have not; nor do we doubt that these volumes will add greatly to the well-earned reputation of the historian of Europe during the French Revolution. We repeat, that the knowledge gained by him, in preparing that work, has given him peculiar qualifications for writing the present. We had marked a great number of instances in which Marlborough's campaigns, and the events which led to them and followed them, are plenteously and instructively compared and contrasted with those of the great campaigns of Wellington and Napoleon. The resemblance is sometimes really wonderful; but the length to which this article has run, compels us to rest satisfied with referring the reader to the present work. The last chapter consists of five deeply-interesting portraits — Marlborough, Eugene, Frederick the Great, Napoleon, and Wellington—the five great generals of modern times. Their distinctive features are sketched with fidelity and force. It is, however, in the full flow of his military narrative that the peculiar excellence of Mr Alison is to be found. His battles* are always dashed off boldly and brilliantly, as far as effect is concerned, and at the same time with the most exact attention to details.

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* Alison, i. p. 211, note.

† *Lectures*, i. 143.

We are not disposed to be critical with an author who has afforded us such great gratification.

Ubi plura nitent—non ego paucis
Offendar maculis, quas aut incuria fudit,
Aut humana parum cavit natura!

There are, however, occasional traces of haste, involving repetitions and confused expressions, which, doubtless, will disappear in future editions, such as doubtless will be called for; and we are happy to have had this opportunity of calling attention to a new work proceeding from a gentleman standing so deservedly high with the public, and for which, moreover, he possesses several special qualifications.

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* A happy idea is embodied in a work recently published, and which has since passed through several editions—Mr Creasy's *Fifteen Decisive Battles of the World, from Marathon to Waterloo.* The idea was suggested by a remark of Mr Hallam, placed on the title-page, by way of motto: "These few battles, of which a contrary event would have essentially varied the drama of the world in all its subsequent scenes." Mr Alison frequently puts such cases, in both *The Life of Marlborough* and his *History of Europe.* Mr Creasy, as a distinguished scholar and a professor of history, has acquitted himself very ably. His fifteen battles are well selected, as radiating centres of enduring influence upon human affairs in their greatest crises—as consequently imitating so many *nuclei* of historical knowledge.

THE PARADISE IN THE PACIFIC.

It was a chosen plot of fertile land,
  Amongst wide waves set like a little nest,
As if it had, by nature's cunning hand,
  Been choicely picked out from all the rest,
  And laid forth for ensample of the best.
Fairie Queen.[*]

WHERE IS IT?

THIS is the glorious FIRST OF JUNE!—and it is set like a gem in the centre of the London season. Oh, mighty, multitudinous London, how thou art enjoying thyself! All thy bravery is on, all thy misery is hidden; and here are youth, beauty, age, wisdom, valour, genius, loyalty, all surrounding Queen Victoria, giving them enchanting reception, dispensing regal hospitalities—ay, not to her own loving subjects alone, but to the representatives of all the great potentates and people of the earth; for, vast as is her empire, she is[†] at peace with all the world. 'Tis often said, and it has become splendidly stereotyped in English phraseology, that the sun never sets on her empire; and the Queen, much as her anxieties are occupied with north, south, east, and west, had recent reason to muse, not unpleasantly, on a certain little speck in the Southern Pacific Ocean, where she is specially loved, and where, after their humble fashion, they celebrate her natal day with flag fluttering gaily, and bell-ringing, and singing and dancing—the only day, it seems, in the year, in which Terpsichore can find time from her other engagements to show her merry face and foot, with feathery touch, for a moment—and, hark! the boom of a gun, forsooth, all on the same day, and to glorify the same occasion! But what a gun! In the language of the inhabitants of this little paradise, of which we are about to speak, that gun "for fifty-five years had been deposited at the bottom of the sea, on a bed of coral, guiltless of blood, during the time so many thousands of mankind became in Europe food for cannon!" Her Majesty, amidst all the splendours which surround her, may hear with pleasure how her royal name was used at a certain tiny speck in the Pacific Ocean, with all the aforesaid splendid accompaniments, on Tuesday the 24th of May 1853:—

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[*] This quotation is taken from the motto of a little volume which will be mentioned in due time.

[†] This was written in June 1853.

"The Queen! the Queen! our gracious Queen!
Come, raise on high your voices,
And let it by your smile be seen
That every heart rejoices!
Her natal day we'll celebrate
With ardour and devotion,
And Britain's festal emulate
In the Pacific Ocean!

"Now let Old England's flag be spread—
That flag long famed in story;
And as it waves above our head,
We'll think upon its glory!
Then fire THE GUN—the Bounty's gun—
And set the bell a-ringing,
And then with hearts and voices one,
We'll all unite in singing—

"The Queen! the Queen! God bless the Queen,
And all her royal kindred;
Prolong'd and happy be her reign—
By faction never hinder'd!
May high and low, the rich and poor,
The happy or distressed,
O'er her wide realm, from shore to shore,
Arise and call her blessed!"

These are words that come echoing cheerily from the Pacific, and may fitly find their way to the regal solitudes of Osborne and Balmoral. Both Queen and Prince know who wrote these lines of simple loyalty and love; nay, they have seen and spoken with him, and that within these last few months, and at Osborne aforesaid. But he has since travelled from the royal presence, exhilarated with its cheering brightness, ten thousand miles and more, and doubtless joined in singing these same verses at that speck in the Pacific, on the 24th of May, now immediately last past. The news has come rather quickly, to be sure; but there is the fact—and it has also come without the aid of the submerged electric wire!

Well! *where is it?* 'Tis Queen Victoria's—but somewhat out of the reach of her gay little *Fairy*, and, therefore, the Queen may never take a trip to see it! Four years ago, a French military gentleman made his appearance there, with a party of friends, all in military uniform, and politely asked, through our poet, of whom more anon, in broken English, "Veder de people had heard of Prince Louis Napoleon and de French Republique? and would dey enlist demselves under it?" And then he took out a paper for their signatures; but our poet aforesaid quietly pointed to the little English flag waving over their heads at that moment, assured the complaisant visitor that they knew all about Louis Napoleon and the French Republic, but that all the people there were faithful subjects of VICTORIA, QUEEN OF ENGLAND; on which the polite Frenchman bowed, begged pardon, returned the paper to his pocket, and said that "he did not know it was a colony!" Nor is it; but its inhabitants are entirely English; and, says their recent historian, "such a loyal and united community, as a whole, cannot be found in any of the colonies or dependencies of the British empire! The English union-jack is hoisted on all grand occasions; and to England the people would look for protection, should any attempt be made to disturb their position."

Ay, and as fast as steam or sail could bring their protectors, they would go! And one of them—as brave and good an admiral as ever strode quarterdeck—has recently been to this mysterious place, and speaks of it as we do. "I stayed," says he, "four days upon that speck on the ocean, but rising like a paradise from its bosom!" * * * "Away! away!" says one who accompanied him, "we are off to the world again, truly sorry to leave this island; their happiness in this life consists solely in virtue, and their virtue is their truest pleasure!" Ay, admiral! as you stood on the quarterdeck, while your noble ship fired twenty-one guns in honour of her Majesty's flag, they said, in thundering tones, "Queen Victoria will protect you," as far as she can; but, dear islanders, you are safe under the protection of a higher Power, who listens well-pleased to the voice of prayer and praise ever ascending the heavens from your swelling wilderness of waters.

But where *is* it? If we had an eight-thousand-mile boring iron, after it had passed through heaven only knows how many miles, as Humboldt would tell us, of boiling granite, and vacant space, or water, or whatever else constitutes the globe which is favoured with the existence of London (at which point the boring iron would enter), it would come poking out at the antipodes, not so very far from our little paradise. We say, not so very far — but, in operations on so grand a scale, we must be allowed literally a little latitude—and longitude. But our island, for island it is, is to be found in the waters which contain the island-home of immortal Robinson Crusoe! No gold has been found there, but a much more remarkable article. Yet it will tempt none of our venturous Californian and Australian emigrants to go in quest of it: it is, VIRTUE grown out of VICE: INNOCENCE out of GUILT! Ah! what a thrilling page of man's history chronicles that same little spot! Let us read it off in our own way, and take our own time in doing it. We ought all to take pains with our task; for—shall we say it?—MAGA is no stranger to that little paradise! And well we knew, from that same poet of whom we have been speaking, and whom we ourselves saw shortly before he was seen by Majesty, that they have read—and perhaps they are at this moment reading—what * has been given to the world from these pages. And, patient, confiding reader, rarely have they contained anything to compare, in interest and instructiveness, with the events which we shall try now to present to you as some of them have recently come under our own notice; and we shall, for a reason of our own, reserve, till somewhat advanced in our story, all indication of the source from which we have taken it. Those events are of a nature to arrest the attention, and occasionally to agitate and excite the hearts and imaginations of all classes of readers. Some of them are old, others new, and both thoroughly authentic; but the former acquire a vivid and charming air of novelty, from their connection with the latter.

THE MUTINY.

Lieutenant Bligh had been for several years sailing-master in the *Resolution*, of the celebrated circumnavigator, Captain Cook; and in the year 1787 was intrusted with the command of his majesty King George the Third's armed ship the *Bounty*, on an interesting expedition to the South Sea islands—namely, acting on the suggestion of Sir Joseph Banks, who had visited Otaheite with Captain Cook in 1769 — to try the experiment of introducing into the West Indies plants of the bread-fruit tree, which supplied their food to the Otaheitans. The *Bounty* set sail from Spithead on the 23d December 1787. Mr Bligh was then in the prime of life, about thirty-three years of age. He returned to England and landed at Portsmouth on the 14th of March 1790; having experienced during that brief interval, such a disastrous adventure as will, with its incidents, always associate his name with one of the most painfully interesting passages in our naval history. How little he thought of it, as he issued in buoyant spirits from Spithead! The *Bounty* was of 215 tons burden, and including Bligh, a botanist, and a gardiner, carried forty-six persons. On the 26th of the ensuing October, they reached Otaheite, now called Tahiti, and met with a very friendly reception from the natives who supplied them in abundance with roasted pig and bread-fruit, during a delightful stay of six months, during which Mr Bligh succeeded in collecting upwards of a thousand plants of the bread-fruit tree. With these they quitted Tahiti in the spring of 1789, on their way to the West Indies. Mr Bligh, though an able commander, seems to have been of a somewhat hasty temper; and it is possible that he and the master's mate, Mr Fletcher Christian, lived not on the best terms together. The latter was a young man, only twenty-four years old, of respectable family, of talent in his profession, and possessed of a daring and adventurous spirit.

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* An American copy of *Ten Thousand a-Year*, which had been purchased from the captain of an American whaler.

On the evening of the 27th of April 1789, the commander invited him to supper, but he declined; having, doubtless, by that time conceived the audacious purpose which he afterwards so quickly carried into effect. This memorable night was one distinguished, in even the tropical regions, for its tranquil loveliness; and we may conceive the commander of the *Bounty*, as his vessel softly clave the sparkling waters, and his sails glistened in the silver moonlight, pacing the deck, and enjoying the beauty of the hour. But who can tell what an hour may bring forth? He was woke out of sleep at break of day by a startling vision—his cabin full of men armed with pistols and cutlasses, headed by Mr Christian! On his calling out to know what they meant, a voice sternly exclaimed, "Hold your tongue, sir, or you are dead this instant!" With oaths and great violence they tied his hands behind his back, without giving him time to dress; and then, hurrying him on deck, forced him, with eighteen persons, chiefly officers, superior and petty, into the ship's launch, flinging to them about 32℔ of pork, 150℔ of bread, 28 gallons of water, 6 quarts of rum, 6 bottles of wine, 4 cutlasses, a quadrant, a compass, and a small quantity of canvass, twine, and cordage. The heartless mutineers then sailed away, leaving their unfortunate commander, and almost all his officers, nineteen persons, in a boat on the Pacific ocean only 23 feet long, and 6 feet 9 inches broad, heavily laden, and without any awning! Could the mutineers have foreseen what was in store for them, they would not have dared a retributive Providence, and might have reflected a little on an old English maxim—"Begin nothing, of which you have not well considered *the end*." Which fared worse, the mutineers or their victims, remains to be seen. We shall rapidly follow the course of each.

THE BOAT ADRIFT.

Here is scope for the imagination, and for sympathy!—What will be thought of a slight open boat, thus crammed with human beings, performing a voyage across the ocean of nearly four thousand miles? Well indeed, and often, might they have exclaimed, on their lonely and perilous voyage,

> Ye gentlemen of England that dwell at home at ease,
> Ah! little do you think upon the dangers of the seas!

The ship left the hapless boat's crew at about thirty miles distance from Tofoa, one of the Friendly Islands, and the first thing attempted by the latter, was to land at the island, to procure bread-fruit and water. The savages, however, received them barbarously, attacking them with stones, and beating them off the island; where they left dead one of their number, who had gallantly remained last on shore to push the boat off. The barbarians surrounded and killed him on the spot, and others pushed off in canoes to attack the unfortunate boat's crew, who, it must be remembered, had not been vouchsafed a single piece of fire-arms for their protection. Some clothes thrown into the water to amuse their pursuers, however, diverted their attention; and Mr Bligh and his friends escaped massacre. But what was now to be done? Whither were they to direct their course?

> The world was all before them, where to choose
> Their place of rest, and Providence their guide!

After much consideration, Mr Bligh obtained his companions' concurrence in a proposal to make for a Dutch settlement on the island of Timor, of which they knew nothing but the name, a distance of 3618 miles! The gunwales of the boat were only six inches above the water, and it is easy to imagine the misery to which eighteen people were to be so long consigned, even regarding only their cabined, cribbed, confined condition: they were to traverse the ocean by day, by night, in all weathers, over a space of comparatively unexplored ocean, equal to nearly a sixth of the entire circumference of the globe.

They started upon their voyage on the 2d of May; all Mr Bligh's company having solemnly promised him to be content with one ounce of bread and a quarter of a pint of water per day, a-piece. One half of them were to be on the look-out, while the others lay down in the boat's bottom: and not having room to stretch their limbs, and being exposed to constant wet and colds, they suffered, poor souls! quickly and severely from cramps which almost disabled them from moving a limb. What a look-out by day and by night! One can imagine them often gazing down into the depth beneath them—within a few inches from its surface, and watching the dark shadows of the sharks flitting around them, waiting for a banquet, which any sudden caprice or accident might bring them! After five days' sail the disconsolate voyagers were startled to find two large canoes, filled with cannibals, making toward them, with great speed, from the Feejee Islands. The canoes continued the chase till within two miles' distance, when they discontinued it. Sharks beneath, cannibals behind, storms above and below! What sources of fear and misery! What long hours of loneliness and terror must have been those of this dreary boat's crew! They encountered tremendous thunder-storms: by one of them, shortly after starting on their voyage, they were nearly swamped; yet these brave and good souls placed their hope in God, to Whom they often addressed a devout prayer, composed for them by their commander, partly from his recollection of the Prayer-Book. He wrote it in a small blank signal-book, now extant; and it contains a humble confession of sins on the part of those suffering under the divine chastisement, invokes the protection of the Almighty in their misery and danger, and returns thanks to Him who had spared their lives from day to day. Poor Bligh tried as long as he could to note a few observations, chiefly of places he passed, in this book; and this blotted and weather-stained document, an affecting relic, is now in the possession of his daughters. "It is with the utmost difficulty," he says, "that I can open a book to write; and I feel truly sensible I can do no more than point out where these lands are to be found, and give some idea of their extent."

It was fortunate, indeed, that no quarrels or dissensions seem to have broken out among the little crew. Had it been so, what might not have been the consequence? As early as the 8th of May, the allowance of food to each was necessarily reduced to one and a half ounce of pork, half a pint of cocoa-nut milk, an ounce of bread, and a tea-spoonful of rum, Bligh measuring out the allowance very accurately, by means of a pair of scales which he made out of two cocoa-nut shells, while a pistol-bullet (of twenty-five to the pound) served as a weight to fix the allowance of bread to each. The half-pint of cocoa-nut milk, however, was soon further reduced to a quarter; and as for the bread, wetted and decayed as it was, and doled out thus by bullet-weight, it was eaten with the utmost relish. A fearful storm of thunder and lightning drenched them to the skin, yet proved a very godsend, for it produced them twenty gallons of water. This was dealt out three times a day, in a small horn cup two inches deep and two in diameter, and round it was written by Bligh, "Allowance of water three times a day." He took his own meals out of a small gourd, round which he also wrote, "The cup I eat my miserable allowance out of." The bullet was afterwards set in a metal plate, on which Bligh inscribed, "This bullet, 1-25th of a ℔., was the [weight of the] allowance of bread which supported eighteen men for forty-eight days, served to each person three times a day, under the command of Captain William Bligh, from the 28th April 1789 to the 14th June following." All these deeply-interesting relics are now in the hands of his daughters.

From the 10th of May they encountered a succession of storms, with frequent thunder and lightning, the sea constantly breaking over the boat, and nearly filling it with water, which they had to bale out as quickly as possible to prevent being swamped; most of them being, moreover, seriously weakened and ill, from cramps and spasms. They gained some slight relief by adopting a suggestion of their thoughtful commander,—viz., they all took off their clothes, steeped in rain-wet, and wrung them in the salt-water, which produced some little warmth to their shivering limbs. What a sight these unfortunate beings, thus engaged on the lonely ocean must have presented to a pitying beholder! To aggravate their disastrous condition, their little store of bread had become soaked in the salt water, which had broken over them incessantly; and even of their sorry fare, their pittance, by the 24th May, was reduced to 1-25th of a ℔. for breakfast, and the like quantity for dinner, omitting supper! On the 25th, they succeeded in capturing one or two sea-fowl that came so near the boat, which must have been indeed a novel sight to them! as enabled the mariners to catch them with the hand! They were of the size of a pigeon, and each was cut into eighteen pieces, and eaten, of course, uncooked. About this time the heat of the sun became so intense that it caused a languor and faintness which made them weary of life. On the morning of the 29th they found themselves within a quarter of a mile of rocks, on which the sea was breaking furiously, but they contrived to haul off, and so escape instant destruction. They were able to steer through an opening in the reef, and found a small island within it, which Bligh named "Island of Direction." "We had," says he, "returned God thanks for His gracious protection; and with much content took our miserable allowance of a 25th of a ℔ of bread, and a quarter of a pint of water (with which they had been furnished, it will be remembered, by the thunder-storm). At length they began to near New Holland, and landed on a fine sandy bay in an island near the main, where they luxuriated on oysters, water, and berries, and slept comfortably all night; but as they were preparing in the morning to leave, they found a large party of natives armed with spears, running and hallooing towards them—whether friendly or not, Mr Bligh and his companions did not pause to ascertain, but put off safely to sea. On the 31st they landed at another little island, where they again found oysters; and it may be said, but in a sad way, that they indeed "astonished the natives," on whom they supped heartily. On the evening of the 3d June they succeeded in threading their way through a most difficult and dangerous passage (the Endeavour Straits), and were again in the open ocean; but here they had to encounter long-continued wet and stormy weather, from which their exhausted frames suffered most severely. Incessant fatigue, and exposure to cold and wet, overpowered the strongest among them, and several seemed at the point of death. During all these terrible trials, the noble-spirited commander contrived to support their sinking spirits by every exertion to distract and amuse their attention, he himself all the while as exhausted as themselves. At length, however, his fortitude and constancy were rewarded; for, behold! at 3 A.M. of the 12th June, their eyes were ravished with a sight of their long-sighed-for point of destination! Timor! Timor!—the island of Timor was in sight! Ah! who shall tell the thrill of ecstasy that shot through the hearts of the weather-beaten and all but prostrate boat's crew, as they first saw the island, and found themselves nearing it? What pious gratitude filled them towards their good God, in Whose hands are all the waters of the earth, and Who had conducted them through such unexampled perils!

On the 14th June they landed at the Dutch settlement of Coupang, after having been FORTY-EIGHT long days and nights in this open boat on the ocean! and received a hearty and hospitable welcome from the governor and all the other residents. On the 30th of August Mr Bligh sailed with his surviving crew (for one had died of fever at Timor), taking with him the launch in which they had crossed the ocean, for Batavia; and afterwards homeward with eleven out of the original eighteen, the others having died or preferred remaining in Batavia. He landed safe at Portsmouth on the 14th March 1790. His cruel case was instantly made known, and attracted universal sympathy. He was quickly promoted, served with great distinction at the battles of Camperdown and Copenhagen, at the latter of which he commanded a ship under Lord Nelson; and was afterwards appointed governor of New South Wales, and ultimately became a vice-admiral. Thenceforth he lived happily in the bosom of his family, and died in London, in the year 1817, aged sixty-three.

RETRIBUTION.

The atrocious act of mutiny and piracy excited, as may well be imagined, universal indignation in England; and a frigate, the *Pandora*, under the command of Captain Edwards, was forthwith despatched to the scene of the monstrous outrage, with orders to visit the Society and Friendly Islands, and seize and bring home all the mutineers they might discover. The *Pandora* arrived at Matavai Bay, off Otaheite, on the 23d March 1791; when three of the offenders immediately came on board, surrendered themselves, and were instantly put in irons. Eleven more were seized at Otaheite, and also put in irons. Two of the original mutineers, who had landed at Otaheite, were dead—after one of them had become a king, and been shortly afterwards murdered by the other, who was himself instantly stoned to death by the natives. No tidings could be gained of the remaining nine mutineers, nor of the *Bounty;* and after making all possible efforts to discover them, the frigate, with her fourteen mutineers lying in irons in a cage on the after part of the quarterdeck, only eleven feet in length, called "Pandora's Box," set off homeward. She was wrecked, however, on a coral reef off New Holland, on the 29th August 1791, and the crew had to navigate a thousand miles, in open boats. Four of the mutineers went down, in their irons, with the *Pandora;* others of their companions succeeded, with desperate efforts, in disengaging themselves from their irons. Thirty of the crew also perished. Captain Edwards, and his surviving men and prisoners, succeeded in reaching a sandy quay, only ninety yards long by sixty wide,—a miserable spot, where they all were nearly consumed, under a vertical sun, from the insupportable heat of which the wretched prisoners had no other defence but to bury themselves up to their necks in the burning sands! The captain and his men had tents made of boats' sails;

but he deemed it consistent with duty to refuse the slightest shelter or protection to his wretched prisoners! One of them was a young gentleman, named Peter Heywood, not sixteen years old at the time of the mutiny, in which he had taken no voluntary part. The only article he saved from the wreck was a Common-Prayer Book, which he held between his teeth as he swam to shore for his life.* He, with his guilty surviving companions, reached England, heavily chained and almost in rags, on the 19th June 1792.

On the 12th September, Heywood and his nine fellow-mutineers were brought to a court-martial at Portsmouth, on board the *Duke*, the president being Lord Hood. On the sixth day the court acquitted four of the ten, and found the remaining six guilty of the capital offence of running away with the ship, and deserting His Majesty's service. Among these latter was poor Peter Heywood. They were sentenced to be hanged by the neck, on board of one of His Majesty's ships of war; but two of them, Peter Heywood and another, were recommended to His Majesty's mercy. Two days afterwards, the unfortunate young gentleman wrote a letter to a clergyman, a friend of his family, containing the following remarkable and most affecting passages:—

"On Tuesday morning the 18th inst., *the dreadful sentence of* DEATH was pronounced upon me, to which (being the just decree of that Divine Providence who first gave me breath) I bow my devoted head with that fortitude, cheerfulness, and resignation, which are the duty of every member of the Church of our blessed Saviour and Redeemer Christ Jesus. To Him alone I now look for succour, in full hope that perhaps a few days more will open to the view of my astonished and fearful soul, His kingdom of eternal and incomprehensible bliss, prepared only for the righteous of heart. I have not been found guilty of the slightest act of the detestable crime of mutiny, but am doomed to die for not being active in my endeavour, to suppress it. Could the evidences who appeared in the court-martial be tried, they would also suffer for the same and only crime of which I have been guilty. But I am to be the victim. Alas! my youthful inexperience, and no depravity of will, is the sole cause to which I can attribute my misfortunes. But, so far from repining at my fate, I receive it with a dreadful kind of joy," [what a marvellous expression!] "composure, and serenity of mind, well assured that it has pleased God to point me out as a subject, through whom some useful, though at present unsearchable intention of the Divine attributes may be carried into execution for the future benefit of my country. Then why should I repine at being made a sacrifice for the good of perhaps thousands of my fellow-creatures? Forbid it, Heaven!"

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* This precious relic, justly so deemed, is now [1854] in the possession of Mrs Heywood, the widow of Captain Peter Heywood.

On the 24th October 1792, however, he and another received an unconditional pardon; another was respited, and ultimately pardoned; and three were hanged at the yard-arm, a miserable spectacle, in Portsmouth harbour, on board the *Brunswick*. When Captain Montague, two days before the execution, read young Peter Heywood His Majesty's gracious pardon, the youth addressed him in the following noble strain:—

"Sir, when the sentence of the law was passed upon me, I received it, I trust, as became a man; and if it had been carried into execution, I should have met my fate, I hope, in a manner becoming a Christian. Your admonition cannot fail to make a lasting impression upon my mind. I receive with gratitude my sovereign's mercy, for which my future life shall be faithfully devoted to his service."

And faithfully his future life redeemed that solemn pledge. He immediately re-entered His Majesty's service, rose in it rapidly to high station, greatly distinguished himself, and died in honourable retirement, in the year 1831, in his 58th year.

His considerate and discriminating judges, after weighing all the facts of the case, had regarded him as having been more unfortunate than criminal,—from his youth, the coercion under which he had laboured, and the absence of any proof that he had taken part in the outrage inflicted on his commander, or his fellow-victims. His early misfortunes saddened and sobered him for life; he became the idol of those who were placed either over, or under, him; and it stands recorded of him by one of our naval annalists, "that his king and country never had a more faithful servant, nor the naval service a more worthy and respectable member."

THE MISSING MUTINEERS.

It seems difficult to assign adequate motives for the mutiny of the *Bounty*, or at least to imagine the ulterior objects of its perpetrators. Fletcher Christian, the ringleader, was a gentleman by birth and education, brother of Professor Christian, the annotator of *Blackstone's Commentaries*, and Chief-Justice of Ely; while Mr Young, one of the midshipmen who shared his desperate venture, was the nephew of a baronet. What could such men have imagined would be their destiny? What, for instance, could they do with their king's ship? What pleasure could they have in spending the rest of their lives among savages?

It was twenty years before the slightest trace of them could be detected, but then their deplorable fate became known. It seems that as soon as they had turned adrift their commander, Christian sailed for an island 500 miles south of Otaheite, intending to land there; but the inhabitants refusing to allow them, they returned to Otaheite. Once more they went to the island in question, were again repulsed by the natives, and once more repaired to Otaheite. It was now necessary for them to consider seriously how they were to dispose of themselves. All but nine resolved to settle at Otaheite, Christian and his eight companions resolving to try their fortunes elsewhere. It so happened that he had found in the *Bounty*, among its commander's books, a copy of Commander Carteret's *Voyage round the World;* and among his other discoveries, the author mentions a very little island which he first saw on the 2d July 1767, in the South Pacific Ocean; "it appeared," he said, "like a great rock, rising out of the sea," and was so high as to be visible at more than fifteen leagues' distance. * * * * Its highest point rose 1008 feet above the level of the sea, and in clear weather could be seen at forty miles' distance. As it was first seen by a young gentleman named Pitcairn, they gave it his name, "Pitcairn's Island," and tried to land on it; but the surf was raging so violently around it as to render near approach impossible. It is at a distance of 1200 miles from Otaheite, and is in lattitude 25° 4′ south, and in longitude 180° 8′ west. It is only four miles and a half in circumference, a mile and a half being its greatest length. It is of volcanic origin, having been elevated from the bed of the ocean by some tremendous convulsion caused by the action of fire, which has given a vertical character and a jagged outline to the stony mountains, and rendered the scenery wildly picturesque. It is covered with trees — the cocoa-nut, plantain, bread-fruit, and banyan—and its climate is favourable to the growth of vegetables. There are no venomous reptiles. There is only one point, called Bounty Bay, where access is possible, and that only in calm weather; and even then, great care is requisite to avoid the breakers. There is scarcely any beach; and almost instantly on landing, the visitor commences a precipitous ascent. This was the desolate spot selected by the mutineer and his companions for their future residence! They sailed in the *Bounty;* and when it arrived, there landed from it twenty-eight souls; viz., Christian, Mr Young, a midshipman, and seven seamen; and all these nine Englishmen had married Otaheitan women! who accompanied them. There were also six Otaheitan men, three of them with wives; and a child ten months old. Let the reader attempt to realise, for a moment, the feelings of a gentleman—of two gentlemen, married to SAVAGES, doomed to spend the rest of their days on that forlorn spot, ten thousand miles away from home, where were their anxious families and friends, and where also resided those who doubtless were sending forth scouts to scour the ocean in quest of the guilty occupants of that island, and bring them home to suffer a just, a terrible, and an ignominious death!

Christian and his friends were not, however, the first occupants of the island, for they found indubitable traces of ancient predecessors, savage and idolatrous; hatchets; spear-heads of hard stone; a large stone bowl; carvings of the sun, moon, and stars; four images six feet in height; and a number of skulls, buried, each having a pearl under it. The new-comers found no other traces of man on the island; they were the only living human occupants.

MURDERS.

Fearful times awaited the mutineers and their companions. Christian retained for a while the position and authority of head of the community; and his mind seems to have been occupied with efforts to preserve order and peace which were hourly interrupted by his turbulent and savage companions. Much of his time, however, was spent on a spot on the top of a high rock, which he called his "look-out," whence he would anxiously survey the ocean, to see whether it bore along its bosom the coming avenger! What thoughts must have been his, on these occasions of mournful solitude! What would he then have given to undo all that he had done!

Shortly after their landing, they broke up the *Bounty*, and so condemned themselves to perpetual imprisonment in the island. There were sanguinary frays incessantly arising between the Europeans and the savages; and at length the Otaheitan men entered into a plot to destroy their European companions. The wives of the latter, however, discovered it, and disclosed it to their husbands on the eve of the projected massacre. The result may be anticipated. Within a year's time, Christian and four of his fellow-countrymen were murdered by their Otaheitan companions, all of whom were in turn slain the same year! One was killed, with an axe, by *Mrs Young*, the midshipman's Otaheitan wife! As soon as she had done this, she signalled her husband, and he immediately shot the sole surviving Otaheitan? In the year 1794, there were only four of the Englishmen alive, one of whom was Mr Young; and the five skulls of the murdered Englishmen, including Christian, were kept by the women of the place as trophies; and they were afterwards, only with much difficulty, prevailed on to give them up to be buried.

One of the survivors was unhappily acquainted with the art of distilling; and having converted a copper boiler from the *Bounty* into a still, he made ardent spirits from the root of a plant in the island. How strongly this cause operated in promoting turbulence and bloodshed may be imagined. He himself, in a fit of *delirium tremens*, committed suicide—throwing himself from a rock into the sea; another was killed by Mr Young, and one John Adams, in self-defence; and of all the fifteen unhappy men who had landed from the *Bounty*, only two died a natural death—Young, of asthma, in 1800; and Adams, in the year 1829. The last survivor of those who had come in the *Bounty* was Mrs Young, who died at an advanced age in the year 1850. From all this it may appear, that the mutineers must have found the barren rock to which they had betaken themselves, become a very hell upon earth.

THE ISLAND PATRIARCH.

The last male survivor was the John Adams abovementioned, a seaman; and marvellous, indeed, was the change which reflection and mournful experience had effected in his mind and character. He had lived not only among scenes of violence and blood, but in constant terror of being discovered by some ship approaching the island, and taken home to be hanged. As a sample of his sufferings on this score, in the year 1795 a ship was seen coming near the island,—on which he and his brother mutineers hid themselves in the bushes, in great terror. When at length they dared to venture out, they stole cautiously to the landing-place, and found that the ship had disappeared. As a knife and some cocoanuts were lying near the water's edge, it was clear that some one had landed, but doubtless not having seen any traces of occupation, had left, and the ship had proceeded on its voyage.

In the year 1800, Adams, then only thirty-six years old, found himself the only man in the island—his companions being twenty of the children of his deceased comrades; but they had come to regard him as their common father, with reverence and affection. He was providentially possessed of one copy of a Bible, and of a prayer-book, which had belonged to the *Bounty*, and of these he made unceasing use. Two remarkable dreams occurred to him in the year 1810, which he always regarded as having been designed to awake in him reflection and repentance; and he became a really devout man —training up in Christianity the young semi-pagans who surrounded him. He had constant morning and evening prayers, and was never tired of reading to them the Scriptures, in which they took such a delight, that on one occasion, two of the lads having earned a little present of gunpowder, a precious commodity there, as a reward for their labour in preparing the ground for planting yams, proposed, that instead of the present, Adams should read them some extra lessons from the Bible! He became, in truth, as he has since been called, an island patriarch.

In the year 1808, an American captain landed at the island, not a little to Adams' alarm, and, on quitting, took with him a chronometer and compass which had belonged to the *Bounty*, and forwarded them to the Admiralty—being, of course, acquainted with the story of the mutiny. No steps, however, were taken by the British government; but six years afterwards, Adams beheld with dismay two men-of-war approaching the island, and he reasonably apprehended that at length his hour was come, for the two captains, with some officers and men, were seen descending the ships' sides, and immediately landed. Adams made no attempt to conceal himself—resigned to his destiny; but was quickly comforted by the tidings that he was not to be arrested; that a quarter of a century had passed away, and his presence was considered useful to the young islanders. Then, indeed, a millstone fell suddenly from his neck. How the weight of it had worn him down, may be guessed from the fact, that Sir Thomas Staines, one of the two captains, styled him, in his despatch, "a *venerable old* man"—whereas he was then only *fifty* years old! Sir Thomas added, "His exemplary conduct, and fatherly care of the whole little colony, could not but command admiration. The pious manner in which all those born on the island have been reared—the correct sense of religion which has been instilled into their minds by this old man, has given him the pre-eminence over the whole of them—who look up to him as the father of the whole, and one family."

When Sir Thomas and his companions saw the island they did not suppose it inhabited, and were greatly surprised to observe, as they approached, plantations laid out, and neatly constructed huts and houses! When within two miles from the landing-place, some natives were observed bringing down their canoes on their shoulders, in which they dashed through a heavy surf, and pulled off to the ships. What was the astonishment of the sailors to hear one of the two savages exclaim, on approaching the ship, "Won't you heave us a rope, now?" And who should these prove to be, but a son of Christian, twenty-five years old, and of Young, eighteen years old! "They were fine handsome fellows, tall and well-proportioned, and their features were those of an honest English face." Their only dress was a piece of cloth round their loins, and a straw hat ornamented with the black feathers of the domestic fowl. When they had got on board, Sir Thomas Staines took them down into his cabin to give them lunch, and was moved with sudden tenderness on seeing one of them rise up, place his hands in a posture of devotion, and distinctly and solemnly say, "For what we are going to receive, the Lord make us truly thankful!" On accompanying them back to the island, and accomplishing the landing with no little difficulty, Sir Thomas was charmed with the scene and the reception which awaited him. Poor old Adams and his wife, who was blind and infirm, conducted their great guests to his snug and neat house, and spread out for them a little repast of yams, cocoa-nuts, and fine fresh eggs.

They found the settlement to consist of forty-six grown-up young people, with a number of infants. The young men were all fine athletic fellows, their faces full of frankness; but the young women excited great admiration. They were tall and finely formed; their faces beaming with smiles, but wearing an air of modesty and bashfulness that would do honour to the most virtuous nation on earth. "Their teeth like ivory, even, regular, and beautiful, without a single exception; and all of them, both male and female, had the most marked English features." Their little houses were models of comfort and cleanliness, and the grounds all around were carefully cultivated. They were very systematic in conducting their little affairs. Old

Adams, for instance, kept a careful register, containing the times and account of their work, and what each had acquired by it; and they had a regular system of barter—as of salt for fresh provisions; vegetables and fruit for poultry, and fish, &c. All were engaged in the cultivation of the ground (growing chiefly yams) and fishing; and when one had cleared a sufficient quantity of ground, and had stock enough to maintain a family, he was allowed to marry—but always with the consent of Adams. The utmost harmony prevailed in their little society. They were simple, sincere, affectionate, and pious, and exemplary in discharging their religious duties.

Thus matters continued till the year 1825, when Captain Beechey visited the island, in the *Blossom*, and has left on record an affecting picture of their primitive simplicity and happiness. They were still under the care of their old patriarch Adams. "These excellent people," said Captain Beechey, "appear to live together in perfect harmony and contentment; to be virtuous, religious; cheerful and hospitable even beyond the limits of prudence; to be patterns of conjugal and parental affection; and to have very few vices. We remained with them many days, and their unreserved manners gave us the fullest opportunity of becoming acquainted with any faults they might have possessed." Their reverence for the Sabbath would shame many a highly-civilised Christian community. It was, indeed, "kept holy"—a day of rest, in truth, and of cheerful reverence towards the Most High. Their services were conducted in strict conformity with the usages of the Church of England, the prayers being read by old Adams, and the lessons by one appointed by him for that purpose.

Their only intercourse with the great world was on the occasion, few and far between, of ships of war, whalers, or others, touching at the island. "These seas," says a traveller on them during the last year (1852), "are but little frequented. To give an idea of their vast extent—

notwithstanding the thousands of ships that are trading on them, we have seen only one ship at sea, and our track measures some 4500 miles! What a little spot this island appears in the vast Pacific! a mere rock, apparently incapable of resisting the mighty waves of so vast an ocean. The mutineers might well deem themselves secure on so small an island!"

At length,

> Declining gently to the last, this good old man, he died!

Old John Adams expired on the 5th March 1829, in the sixty-fifth year of his age—a sad day for the little community which he had trained into one so exemplary: thereby offering the best atonement in his power for the guilt which had stained his early years.

THE PASTOR OF PITCAIRN.

Not quite four months, viz. on the 15th November 1828, before the death of the island patriarch, there arrived at Pitcairn a remarkable man, destined to be his successor in the confidence, affection, and government of that little community. He seemed really to have been marked out for the post by Providence. The person here spoken of bears the by no means aristocratic name of GEORGE HUNN NOBBS. He was born in this country in 1799; and went to sea at the early age of eleven years, when he became a midshipman in the British navy. He afterwards held a commission in the Chilian navy, under the present Earl of Dundonald, then Lord Cochrane, and in consequence of his services, became lieutenant. He was at length, after a gallant and desperate conflict with a Spanish gun-brig, taken prisoner by the troops of the piratical Spanish general Benevedeis, who was a very fiend incarnate of cruelty. He shot all his prisoners, except Lieutenant Nobbs and three English seamen, all four of whom lay under sentence of death, and for three weeks in hourly expectation of being shot; Lieutenant Nobbs daily seeing his fellow-prisoners led out to death, and hearing the reports of the muskets from which they suffered! This monster Benevedeis would invite the captive officers to an elegant entertainment; immediately after which he would have them marched into the court-yard, and shot—their host standing at the window to enjoy the spectacle! Such was the man at whose mercy poor Lieutenant Nobbs lay for three weeks; at the end of which he was suddenly and unaccountably exchanged for a prisoner; Benevedeis himself being soon after taken prisoner, sentenced to death, tied to the tale of a mule, so dragged to the Palace Square, and there hanged. After many adventures and much dangerous service, Mr Nobbs quitted Chili, and returned to England in 1822, in a vessel which had touched at Pitcairn. The captain gave such a description of the happiness of the little community, that Mr Nobbs became irresistibly impelled to go and settle there, anxious only to pass the remainder of his days in peace and usefulness among his fellow-creatures. Early in 1826, having then been four times round the world, he quitted England, with the intention of going to Pitcairn. He went by way of the Cape of Good Hope, India, and Australia, and at length reached Callao, in Peru, where he met the owner of a launch, who agreed to accompany him in it to Pitcairn, provided Mr Nobbs would fit her out. This was done; and these two persons, as if emulous of the feat of Bligh and his companions, went alone in this frail launch to Pitcairn, a voyage of three thousand five hundred miles, which they accomplished in forty-two days—arriving in November 1828. Soon after their arrival the owner died; whereupon the launch was hauled ashore, and her materials were used to build a house for Mr Nobbs. Old Adams, on hearing his errand and his motives, and doubtless beginning to be apprehensive for those from whom death must soon separate him, received the stranger with kindness, and he became a sort of schoolmaster in the island. On the death of Adams in the March of the ensuing year, Mr Nobbs continued at his post, and soon succeeded in establishing himself in the affections of the people, then only sixty-eight in number, serving them in the threefold capacity of pastor, surgeon, and schoolmaster. Three years after his arrival, however, there occurred a sufficiently ridiculous but vexatious affair. A person named Hill came to the island, professing himself authorised by the British Government to reside there as its representative! He soon sowed dissensions among the simple-minded inhabitants, whom he also terrified into obedience by the fear of giving offence to the Government. Honest Mr Nobbs soon saw through the swaggering stranger, by whose intrigues, however, he was compelled to quit the island, leaving the new-comer boasting from time to time of his splendid rank and station at home. He said he was "a very near relative of the Duke of Bedford, and that the Duchess seldom rode out in her carriage without him!" Whilst the people were listening with awe to these magnificent statements, who should arrive at the island, positively as if for the purpose of discomfiting imposture, but Captain Lord Edward Russell, a veritable son of the Duke of Bedford! Mr Hill was thunderstruck. Lord Edward would have made short work of it, and removed him *instanter* from the scene of his impudent and mischievous intrusion and imposture;—but could not do so without orders. In the ensuing year, however, another ship of war arrived, her captain armed with the requisite authority, and removed Mr (or, as he seems to have called himself, *Lord*) Hill to Valparaiso. He never made his appearance again in the island; and Mr Nobbs having received a pressing and unanimous entreaty from the inhabitants to resume his old station and duties, complied with it, having been absent for the period of nine months, occupying himself as a teacher at the Gambier Islands, which were about three hundred miles' distance from Pitcairn.

It may be remembered that a child, ten months old, accompanied the mutineers from Otaheite to Pitcairn. She afterwards married a son of the unhappy Christian, by whom she had a daughter, and that daughter became the wife of Mr Nobbs by whom she has now eleven children. Since his return on the occasion last referred to, this excellent man has never been interfered with in pursuing "the even tenor of his way," but has evidently conciliated the ardent affection of all classes. He acted from the first as their chaplain (as far as, being a layman, he could), their schoolmaster, their physician, and, in fact, did everything that could be expected from a man of kindly feeling, of no little experience of varied life, of sound education, and devoted piety. His duties were constant and laborious, for all his arrangements were systematic, and he adhered to them with punctilious exactness. Thus every hour of his time was devoted to the service of the islanders and of his own large family. But how was he himself supported all the while? it may be asked. Indeed, his remuneration was for years of the scantiest character, for the Pitcairn Islanders were, as he knew when he first went, very poor. In 1844, he thus explained, in a letter to a clergyman at Valparaiso, some of the straits to which he was driven:—"My stock of clothing which I brought from England is, as you may suppose, very nearly exhausted, and I have no friends there to whom I can with propriety apply for more. Until the last three years, it was my custom to wear a black coat on the Sabbath; but since that period I have been obliged to substitute a nankeen jacket of my own making. My only remaining coat, which is quite threadbare, is reserved for marriages and burials; so that it is customary to say, when a wedding is going to take place, 'Teacher, you will have to put on your black coat next Sunday,' which is equivalent to informing me that a couple are going to be married!"

Some little time afterwards, however, this grateful people placed him on a level with themselves, by assigning him sufficient land for his support.

A PITCAIRN DAY.

It may be pleasing to have an idea of a Pitcairn day. Let it be borne in mind that there is a difference of nine hours between their time and ours;—when, for instance, it is our four o'clock in the afternoon, it is their seven o'clock in the morning. They rise with the light; and the first duty in each house is to read prayers, including two chapters in the Bible. After a slight refreshment, the business of the day begins. Children are forthwith despatched to the school, during play-hours amusing themselves with kites and ball; but limited space, less in extent than Hyde Park and Kensington Gardens put together—necessarily curtails the diversions of young and old. The men's employment consists in cultivating their land, looking after their gardens, building and improving their little houses, fencing in their plantations, and making hats out of palm leaves, and fancy boxes for barter with the crews of such ships as may call there. At twelve o'clock they have a plain substantial meal of yams and potatoes, made into bread, saying grace before and after meals with scrupulous reverence. Both by day and by night they fish in the deep waters for a kind of cod, grey mullet, and red snapper, which, however, are scanty, and obtained with some hazard. The second meal of the day, for they have but two, occurs at seven o'clock in the evening, consisting of yams, sweet potatoes, and such humble fare as may have been prepared by the females of the family. Once or twice only in the week can they afford the luxury of fish, meat, or poultry. The occupations of the women are their household duties, including especially making and mending clothes; and when they have leisure, they manufacture a sort of cloth out of the bark of the paper mulberry. There are no servants in the island; therefore the wives and daughters do all that is necessary for the family. They do not cook in the house, which, being of wood, might be often endangered, but in ovens at a little distance, let into the ground, big enough to contain a good-sized pig, an animal of which they have but few. They have no candles, but use oil, and torches made with nuts of the dodo tree. They have no glass for the windows, but only shutters, which are closed in bad weather. They occasionally have a modicum of tea as a luxury, but their ordinary drink is pure water, neither wines nor spirits being allowed in the island, except for strictly medicinal purposes. On high days and holy days they treat themselves with cocoa-nut milk, and water sweetened with syrup extracted from the bruised sugar-cane. They retire early to rest, after having performed their family devotions. They sleep secure without the protection of locks, bolts, or bars: there is not such a thing in the island. Think, then, of a moonlight night at peaceful Pitcairn, Londoner, jaded with the uproar and dissipation of a London day or night! See the moon walking in her brightness, and stars shining vividly as *you* never saw them, and both reflected on the illimitable ocean, all calm and beautiful. Not a soul is slumbering there that has not closed his eyes—her eyes—after offering the heart's incense to their Almighty Guardian.

The Pitcairn people are all well educated, and fond of reading; but only books of sterling interest, and moral and religious character, chiefly supplied to them by one of the noblest societies which England can boast—that for Promoting Christian Knowledge. And now has arrived the time for explaining that our readers are indebted for all the interesting facts which may appear in this paper, to a little volume just issued by that Society. Its pious and accomplished author* is the secretary of that society, and, as we learn from its pages, has personal cognizance of many highly interesting facts narrated in it, pledging himself to the authenticity of all, as far as careful inquiry has enabled him to do so. To us it has proved a delightful little volume, and we heartily express our obligations to the reverend author. It breathes throughout a pure spirit of manly sympathy and piety. We should like to be at Pitcairn, when its simple and affectionate inhabitants get their first copy—let us hope as many copies as there are islanders—of the volume which has presented so endearing a picture of that distant but *really* happy little family! How they will hang over its pages, by day and by night! But we must proceed.

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* *Pitcairn: The Island, the People, and the Pastor; with a Short Account of the Mutiny of the Bounty.* By the Rev. THOMAS BOYLES MURRAY, M.A., Secretary of the Society for Promoting Christian Knowledge; and published under the direction of the Committee of General Literature and Education

The great event in the Pitcairners' day is the arrival of a ship, for which they are always—not, as were those before them, with terror, but with eager hope—on the look-out; and the volume before us contains numerous touching little episodes connected with these few and far-between ocean-island visitings. The crews are received with affectionate greetings, and the utmost hospitality which such limited means admit of. Not only has there never been an instance of Jack for an instant misbehaving himself in this sweet scene of peace and innocence, but he has himself often shed tears of sympathy and respect on receiving the civilities of this lonely but confiding little community, and returned their humble hospitalities with such liberality as his captain felt authorised to admit. It is, however, on the arrival of a Queen's ship that the enthusiasm of the islanders is naturally most excited: and who can think, unmoved, of the twenty-one guns' salute from the stately structure on the bosom of the ocean, returned by the single solitary gun in the island? If anything could raise in our estimation the character of British naval officers, it is the accounts of their doings in these distant

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appointed by the Society. London, 1853. Pp. 280. A fourth, cheaper, and enlarged edition has just [1854] made its appearance, with sundry interesting additions.

regions, to be found in this little volume. The tears have several times quivered in our own eyes, when reading the extracts here given from the journals and despatches of captains and admirals, all of whom have exhibited a noble spirit of tenderness and dignity in dealing with this little community. We would have every young officer in Her Majesty's navy read this record of manly sympathy and piety on the part of those intrusted with high and distant commands by the Queen of Great Britain—symbolling at once the authority and power of the sceptre which she wields, and the gentle spirit of benignity and piety which animates her heart. But we shall let our admiral speak for himself.

THE ADMIRAL ON THE ISLAND.

Before, however, we come to this great event, we must return, for a minute, to the pastor of Pitcairn. On the 20th July 1847, a memorial was addressed to the chaplain of H.M.S. *Thalia*, signed by seven of the islanders, including the *chief magistrate!* and the *two councillors!* (for such they have), explanatory of their position and their wants. Their prominent want they shall themselves explain.

"One thing more, before we conclude, we earnestly present to your consideration; and as it comes in an especial manner within the province of your holy office, we would indulge the hope that our application will be attended with success. The case in question is this: Our teacher, who has been with us for nineteen years in that capacity, and whose services to us are invaluable, has never received the license or sanction of the proper authority in that Church of which we are a component part. This circumstance is a source of much anxiety, both to him and us; and as our numbers amount to 138, (71 males and 67 females), and are rapidly increasing, we do most urgently, but most respectfully, solicit your application to the proper quarter for a pastoral letter, inducting or sanctioning our teacher into the holy office he has for so long a space of time unceasingly, untiringly, and worthily filled on this island. That he is deserving such a mark of ecclesiastical approbation and favour, is justly and cheerfully acknowledged by the whole community; and of the great benefit which will accrue to us therefrom, no one can be more competent to judge than yourself."

Rear-Admiral Fairfax Moresby, commander-in-chief in the Pacific, had long felt a deep interest in the welfare of the Pitcairn Islanders, and in the month of July 1851, received the following beautiful and affecting invitation to visit the island, signed by thirteen female inhabitants, in the name of all their sex on the island:—

PITCAIRN, *July* 28, 1851.

"HONOURABLE SIR,—From the kind interest you have evinced for our little community in the letter which you have sent our excellent and worthy pastor, Mr Nobbs, we are emboldened to send you the following request, which is, that you will visit us before you leave this station; or if it is impossible for you to do so, certainly we, as loyal subjects of our gracious Queen, ought to be visited annually, if not more, by one of her ships of war.

"We have never had the pleasure of welcoming an English admiral to our little island, and we therefore earnestly solicit a visit from you. How inexpressibly happy shall we be, if you should think fit to grant this our warmest wish! We trust that our secluded and isolated position, and the very few visits we have of late had from British ships of war, will be sufficient apology for addressing the above request to you. With fervent prayers for your present and future happiness, and for that of our Queen and nation,—We remain, Honoured Sir, your sincere and affectionate well-wishers."

Signed by thirteen females, "in the name and on behalf of all the rest of the female sex on the island."

Who could resist this? Not an admiral in the service of the Queen of England—least of all good Admiral Moresby; and a year afterwards—viz., on the 7th August 1852—at noon a ship was descried in the far distance, which at sunset was suspected to be a ship of war. The brief night passed in feverish excitement. Before sunrise the people were on the look-out from the precipice in front of the town, waiting for the report of a gun to confirm their hopes. By and by, hark! the booming of a cannon electrified the little town! And as the stately ship drew near, behold—an admiral's flag waving proudly in the wind! Would we had room for the description of this signal event given by Mr Nobbs, and the official despatch of the admiral containing an account of his landing, and three days' stay! It was Sunday morning, and he took his chaplain and several officers with him, all attending divine service, the chaplain preaching in the afternoon. We will, however, give the good admiral's own account of it, in a subsequent letter to a friend, describing the impressions produced by his visit.

"*The Portland, at sea, August* 1852.

"Of all the eventful periods which have checkered my life, none have surpassed in interest, and, I trust, in hope of future good, the last—our visit to Pitcairn; and surely the hand of God has been in all this, for by chances the most unexpected, and by favourable winds out of the usual course of the Trades, we were carried in eleven days to Pitcairn's from Borobora. It is impossible to describe the charm that the society of the islanders throws around them, under the providence of God. The hour and the occasion served, and I have brought away their pastor and teacher for the purpose of sending him to England to be ordained, and one of his daughters, who will be placed at the English clergyman's at Valparaiso until her father's return. The islanders depend principally for their necessary supplies on the whaling ships;—they are generally

American. Greatly to their credit, they behave in the most exemplary manner, very different from what I expected. One rough seaman, whom I spoke to in praise of such conduct, said, 'Sir, I expect if one of our fellows was to misbehave himself here, we should not leave him alive.' They are guiltless and unsophisticated beyond conception. But the time had arrived when preparation for partial removal was necessary, and especially for the ordination of their pastor, or the appointment of a clergyman of the Established Church. They are thoroughly versed in Bible history, which has hitherto kept them from listening to the advances of some over-heated imaginations. I stayed four days upon that speck in the ocean, but rising like a paradise from its bosom. I believe there was scarce a dry eye in the ship when the islanders took their leave. We ran within hail of the settlement, hoisted the royal standard, fired a salute, and cheered them."

Here is Mr Nobbs' own vivid and most moving picture * of the noble old admiral's departure from the island:—

"And now comes the leave-taking. The venerable and benevolent commander-in-chief of Her Majesty's forces in the Pacific, standing on the rocky beach at Bounty Bay (the very spot where the mutineers had landed sixty years before) — himself the oldest person there, by fifteen years, surrounded by stalwart men and matronly women; youths, maidens, and little children—every one in tears, and most deeply affected, formed a truly impressive scene. The boat was some time in readiness before the admiral availed himself of an opportunity to embark. Some held him by the hand, the elder women hanging on his neck, and the younger ones endeavouring to obtain a promise that he would revisit them. As a number of our men went on board with the admiral, a similar scene occurred there; and as the last boat pushed off from the ship, some of the hardy tars, standing in the gangway, were detected hastily brushing away a tear.

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* Pp. 106–8.

The frigate now stood in for the last time; and, hoisting the royal standard, fired a salute of twenty-one guns. The tars manned the rigging, and gave three hearty cheers, and one cheer more. The islanders responded; the band struck up 'God save the Queen,' and the stately *Portland* started on her track."

We said that this is a picture, as vivid as words can paint it; and it is right worthy of the richest pencil at the command of the Royal Academy.

The islanders could be induced only with extreme difficulty to part with their pastor for a while, when it came to the point, ardently as they had desired that he should be invested with the character of a clergyman of the Church of England. On the admiral's promising, however, to leave his own chaplain, at the island, till their pastor's return, they allowed him to go. Listen to the testimony of the admiral's chaplain as to the people among whom he had been placed for a while.

"*September* 5, 1852.

"The accounts of the virtue and piety of these people are by no means exaggerated. I have no doubt they are the most religious and virtuous community in the world; and during the months I have been here, I have seen nothing approaching a quarrel, but perfect peace and good-will among all." He also found Pitcairn, as did his admiral, a "Paradise!"

THE PITCAIRN PASTOR IN ENGLAND.

Poor Mr Nobbs had not fitting clothes in which to face the great world, when he quitted the island, except those with which the admiral furnished him. Having carried him to Valparaiso, the admiral then supplied him generously with the means of obtaining a passage thence to London, and presented him with £100 towards his expenses in England; and also gave him strong letters to the bishop of London, urging the propriety of his ordaining so exemplary a person, and to various other persons, among whom was Mr Murray, the author of the little volume before us, in which it appears; and a very interesting document it is. All honour to Admiral Fairfax Moresby! We have seldom seen more moving traits of unaffected and unassuming goodness than this volume contains, on his part. He cannot yet know that the public is thus made acquainted with them.

On Saturday the 16th October 1852, after an absence of twenty-six years, spent at Pitcairn's Island, this excellent person arrived in London. What a Babylon it must have seemed to one so long accustomed to the profound silence and solitude of Pitcairn! We ourselves saw him, and sate beside him for some time in the month of November. He was indeed an interesting stranger — very modest, and with a sort of sad and stern simplicity, with a dash of rough quaintness, in his manner, which comported well with the life he had led, and to which it was evident he pined to return. He looked the age he was, viz. fifty-three. His features were characterised by a quiet decision; and he spoke with gravity and deliberation. Nothing seemed to *surprise* him—the result of a long life of anxiety, suffering, and labour. None of the attractions, says a friend, or absorbing topics of interest—not even the great Duke's funeral, which he witnessed—seemed to excite him. So sustained, and built up, and built round by previous experience of wonders and escapes amidst the battle of life was this wonderful man, that he had literally reached the point of *Nil admirari!*

IS ORDAINED BY THE BISHOP OF LONDON.

The Bishop of London, yielding cheerfully to the strong concurrent testimony of Admiral Moresby, and many others who had enjoyed ample opportunities of learning the character and claims of Mr Nobbs, during a long career of twenty-six years at Pitcairn's Island, acceded to his request to be admitted to holy orders. On the 24th October 1852, he was ordained deacon in the parish church of Islington, by the Bishop of Sierra Leone, under a commission from the Bishop of London, who himself ordained him priest at Fulham Church on the 30th November; his description, in the Letter of Orders, being "Chaplain of Pitcairn's Island." He was warmly welcomed and hospitably entertained by the greatest and best in the land; and a number of them subscribed towards raising a little fund for defraying the expense of his return to Pitcairn, and his outfit—a service of communion-plate, and also various useful articles for the inhabitants, a bell for the church, two or three clocks, medicines, clothing, labourers' and carpenter's tools, simple articles of furniture, cooking utensils, and stores of provisions.* These benefactors of the distant little community wisely determined to send them such articles only as shall contribute to their comfort, without communicating a taste for luxury; than which last, nothing could be more absurd or cruel. Since Mr Nobbs left this country, we may mention that an excellent little church-organ has been despatched to the pastor—we must now call him the chaplain—of Pitcairn, set to such of our plain and hallowed old English chants and psalm tunes, as he appeared, when in this country, best to like. By this time, it may be that our noble evening hymn, which is one of them, has ascended from that little rock to heaven's gate, a grateful offering!

The Society for Promoting Christian Knowledge granted £100 towards the fund for the purpose above mentioned, and the Society for the Propagation of the Gospel placed him on its list of missionaries, with a salary of £50 a-year. In short, all parties who became acquainted with him during his two months' stay, and with his story, seemed to vie with each other in paying attention to him, and exhibiting their interest by their liberality. At the Admiralty he experienced, through the Duke of Northumberland, and other eminent functionaries, the utmost kindness, and assurances of the watchful interest with which the small settlement should ever be regarded there; and the Directors of the Royal Mail Steam Navigation Company provided him with a free passage in the *La Plata* to Navy Bay.

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* "H. M. S. *Virago*," says Mr Murray (p. 85, note), "left, calling for Pitcairn, in January 1853, having on board singing-birds, rose-trees, myrtles, &c., for the islanders."

HIS INTERVIEW WITH THE QUEEN AND PRINCE ALBERT.

It was a matter of reasonable ambition to the Pitcairn chaplain, before quitting England for ever, to be admitted to the presence, though for but a moment, of his queen; and as her Majesty's interest in her distant subjects, especially as connected with the spread of Christianity, is well known, and the humble chaplain of Pitcairn had made many friends in high quarters, his wish was gratified. On the 15th December 1852, two days before he quitted England, the Royal *Fairy* conveyed him, by appointment, to Osborne. He was first introduced into the presence of the Prince, who took an evident interest in him, asking a great many questions concerning Pitcairn and its people, and appearing greatly pleased with his answers. In a letter dated the next day, to the Rev. Mr Murray (the most hospitable and zealous of his friends), through whose kindness it is now lying before us, he speaks of this as "the eventful day! * * * * Prince Albert was very urbane, and asked me many questions about our island, and appeared much pleased with the answers I gave him. He then inquired what he could do for the community? I said 'her Majesty's community had supplied us with all we had need of at present; but that if he would present us with her Majesty's picture, including himself and the royal children, we should consider it a great favour.'* He smiled, and said I should have it. After a little more conversation, I saw he was designing to withdraw, and not a word had been said about seeing her Majesty! No time was to be lost; so I screwed up my courage, and said, 'Will your Royal Highness permit me to pay my duty to the queen?' He replied, 'I am just going to inquire if her Majesty will see you.' After a few minutes, I went into the room where her Majesty was;" and worthy Mr Nobbs proceeds to say, that he was instantly set at ease by the affable condescension of her Majesty. We regret that he has not left any written account of this interesting interview, for the worthy chaplain of Pitcairn had a little world of matters to attend to during the few remaining days of his stay in England. We have reason, however, to believe that the queen exhibited a lively interest in his account of this distant family of her subjects, who, by this time, no doubt, have heard from their chaplain's own lips, what her Majesty asked and said of them. He received pleasing little mementos from the ladies-in-waiting, and other distinguished persons in attendance, and so took his departure from the residence and presence of her Majesty of England, to commence his ten thousand miles' journey.

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* "This highly-valued gift," says Mr Murray, "was taken out in February

RETURN TO PITCAIRN.

He sailed from Southampton in the *La Plata* on the 17th December, and reached Valparaiso in safety on the 12th February. A letter from him is lying before us, dated Valparaiso, 6th March, where he was waiting for the *Portland* to convey him to Pitcairn. "Oh, how I wish," says he, "to be at home!" He was then dividing clerical duty with the chaplain of Admiral Moresby at the church on shore, and also on board the man-of-war stationed there. He says that he had "a sufficiency of

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1853, in H. M. sloop *Rattlesnake*, Captain Trollope, the commander, being instructed to leave it in the charge of the commander-in-chief in the Pacific, for conveyance to Pitcairn."—Pp. 219, 220.

money to meet his expenses, and a trifle to spare, without trenching on my salary (£50 a-year), which I shall endeavour to preserve intact for the benefit of my dear wife and children, whom God preserve!" He complains sadly, however, of the expenses of passing the formidable Isthmus of Panama. It cost him £50. There a dismal mischance befel him; he lost the box containing his communion-plate. "Oh, what anxiety of mind its absence cost me! and, I believe, this was the exciting cause of the fever by which I was attacked." Fortunately, however, after a week's suspense, the precious box was recovered, thanks to the indefatigable exertions of Mr Perry, the British consul at Panama. After many fervent expressions of piety and gratitude towards his friends and well-wishers in England, he concludes by hoping that his next letter will be dated Pitcairn's Island, when the thanks of the community will be appended to his own.

"From Valparaiso," says Mr Murray, towards the close of his little history, "should all go on prosperously with Mr Nobbs, Admiral Moresby will convey him to Pitcairn in the *Portland*, and the islanders will probably welcome him home before the end of March. May it please God to guide him, in health and safety, to his distant flock! Who can adequately imagine the scene which will be presented on his landing among his friends in the island, to be parted from them no more on this side the grave!"* We can picture to ourselves, on reading this passage, the scene to which we formerly alluded of their reluctant parting with their pastor to come to England—to encounter the dangers of twenty thousand miles' travelling—perhaps never to return—following him down to the water's edge, embracing and sobbing over him; and it may be that he said to them in faltering tones, and in the moving language of the Apostle Paul on a similar occasion—"*What mean ye to weep, and to break my heart?*"†

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* P. 221.

† Acts, xxi. 13.

THE PASTOR'S PEOPLE—WITH A GLIMPSE OF PITCAIRN STATISTICS.

The number of persons now living on this little island is one hundred and seventy—viz., eighty-eight males and eighty-two females. When the nine mutineers established themselves there, they divided the island into as many parts, which are now subdivided into twenty-two, that being the number of families. Misunderstandings now and then arise on the subject of boundaries, as was the case in patriarchal times; but those misunderstandings engender no animosity, and are soon settled by the chief magistrate and the two councillors; for, as we have seen, such august functionaries have for several years existed in this little community! The chief magistrate is elected on the first day of the new year, by a general vote of all males and females eighteen years old; but if any of either sex be married under that age, they are entitled to the suffrage. On the same day the two councillors are chosen, one by the magistrate, the other by the people. The present chief magistrate is a son-in-law of Mr Nobbs. His office is rather shunned than coveted; and sometimes exemption is purchased by killing a hog for the public good. Should any dispute arise which neither the magistrate nor he and the two councillors can settle, a jury of seven is called to decide it; and if it be so surpassingly knotty as to defy the efforts of the seven sages, it stands over till the arrival of a British man-of-war, against whose decision there is no appeal—a fact not very pleasing to the gentlemen of the long robe practising in the privy council, to whom, doubtless, a crumb from Pitcairn would, in these times, be far from unacceptable. During the interval—that is, till the arrival of the Naval Court of Appeal—"the matter drops, and no ill feeling remains; for it is a principle with them not *to let the sun go down* *upon their wrath.*"* Happy Pitcairners! would your border was enlarged, and one could come and cast in one's lot with you!

The powers of the magistrate are pretty fairly defined, but of a simple nature. So are the public laws, the principal of which are as follow:—As to *landmarks*, the first duty of the new magistrate, and that on the day of his election, is, with a competent number of the heads of houses, "to visit all landmarks on the island, and replace those that are lost. As to *spirits*, or *intoxicating liquors* of any kind, their purchase from ships is peremptorily forbidden, except under a very strict condition—*i.e.*, for medicinal purposes alone. No female is to go on board any foreign vessel of any description, without the magistrate's permission, who must either accompany her on board, or appoint four men to do so. In the matter of "The Public Anvil," &c., the law is as follows: "Any person taking the public anvil and public sledge-hammer from the blacksmith's shop, is to take it back after he has done with it; and in case either should get lost through neglect to do so, the loser is to get another, and pay a fine of four shillings." And as to *money*, its equivalents are these:—

	s.	*d.*
One barrel of yams, ...	8	0
" " sweet potatoes, ...	8	0
" " Irish ditto, ...	12	0
Three good bunches of plantains, ...	4	0
One day's labour, ...	2	0

A shilling, or its equivalent as above, is to be paid for the education of each child per month, between the ages of six and sixteen years; if Mr Nobbs' assistant attend instead of Mr Nobbs, the former receives the salary; and be it observed, that as Mr Nobbs is godfather to many of the children, all of *them* he instructs gratuitously. In respect of CATS—if ours knew the store set by them in Pitcairn, few ships bound for the Pacific would quit our ports without more having sneaked on board than had been bargained for, or the captain was aware of! Thus stands the law:—"If a CAT be killed without being *positively detected* in killing fowls, however strong the *suspicion* may be, the person killing such cat is obliged, as a penalty, to destroy THREE HUNDRED RATS! whose tails must be submitted for the inspection of the magistrate, by way of proof that the penalty has been paid."* The stringency of this law is referable to the great number of rats in the island, which do much damage to the sugar-canes.† FOWLS are toe-marked; and if one be discovered destroying yams or potatoes, the owner of the plantation may shoot the fowl, and retain it for his own use; and may also demand of the owner of such fowl the amount of powder and shot so expended, as well as the fowl. As for a PIG, if he get loose and commit depredation, his case may be submitted to the magistrate; taken from him to a jury of seven; and finally to the captain of the next man-of-war coming to the island!

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* P. 133.

In features, dress, manners, and appearance, the Pitcairners seem to resemble the inhabitants of one of the better order of our own villages; but some are rather darker than Europeans, partaking of their half Otaheitan descent. As for dress, the men wear short trousers, coming down to within two or three inches of the knee, a shirt, and a cap or hat; shoes and stockings being reserved for Sundays. They are, however, badly off for clothes, depending on the precarious supply afforded by ships touching at the island. The women wear a petticoat, from the waist downwards; and over that a loose gown, with a handkerchief sometimes thrown over their shoulders. A wreath of small white fragrant flowers, with others of a bright red, is often worn round the head;

* P. 227.

† P. 85.

the hair being worn in bands, and twisted in a very becoming manner into a knot behind. "Though," says Captain Piper, of H.M.S. *Tagus*, "they have had the instruction of only their Otaheitan mothers, our dressmakers in London would be delighted with the simplicity, and yet elegant taste, of these untaught females." As we have seen that these young creatures are finely formed and handsome, their appearance must be both engaging and picturesque.

In the year 1850, the inhabitants of Pitcairn realised the truth of the old adage, that it is an ill wind that blows no one any good. Five gentlemen, one of them Mr Brodie, who afterwards published a very interesting account of his stay in the island, landed on the island, whose ship was blown off during the night, leaving them prisoners for a period of three weeks! They had nothing but the clothes they wore—with the exception of one, the Baron de Thierry, who, being of a musical turn, had a tuning-fork with him. He proposed to teach his hospitable hosts music, noticing how imperfectly they got through the vocal parts of divine service. They made remarkably rapid progress, being passionately fond of music; soon learning, as a visitor in August last testified, "to sing in parts beautifully." He adds, that he accompanied the chaplain of the ship to the island on Sunday the 8th August; "the hymns were sung in regular parts by the whole congregation. I doubt much whether any church in England, excepting cathedrals, can boast of such a good choir." Imagine them, good reader, on Sunday next, the 5th instant, perhaps singing to the accompaniment of their organ, and with their beloved chaplain in the reading-desk and pulpit!

Fearing a dearth of water which would now appear to have beeen chimerical, the British Government, in the year 1831, removed the whole community, then only eighty-seven in number, to Otaheite, when Queen Pomare, since become a historical character, received them with great kindness, though herself harassed, at the time, by civil war. The licentious manners of the place disgusted almost all the virtuous visitants from Pitcairn; but some few were overcome by the temptations to intemperance. The unhealthiness of the climate then carried off twelve by sickness, and five more died almost immediately after their return. It is to be regretted that humanity should have been so hasty on this occasion, and to be hoped that such a step will not be taken again without grave consideration. The inhabitants have ever since expressed their deep sorrow at having been removed, and their passionate love of home, from which they will never again be willingly severed. One of their '*Records*' states that, within three months after their removal to Tahiti, on one or two of their number returning to Pitcairn, "During our absence, our hogs have gone wild, and destroyed our crops; and after our return, we employed ourselves in destroying the hogs." *

Though the climate is generally charming, the island is subject to be visited by terrible storms. One is recorded as having burst over it on the 16th April 1845, occasioning extreme terror to the inhabitants, and devastation. What a scene! Thunder bellowing and lightning flashing incessantly over the desolate little rock—a deluge of rain falling—the hurricane howling around, and tearing down the precious earth from the rocks into the sea—uprooting, and casting into the roaring and foaming ocean, three hundred cocoa-trees. A yam ground, with a thousand yams, entirely disappeared. Several fishing-boats were destroyed: all the plantain patches were levelled, four thousand plantain-trees being destroyed, the one-half in full bearing, the other designed for the year 1846: "So that," continues the Record, "this very valuable article of food we shall be without for a long time. The fact is, that from this date until August," *i. e.*, four long wearisome months—"we shall be pinched for food!" How bore the terrified little community this dispensation? Let us hear, for the Record thus proceeds: "But God tempers the wind to the shorn lamb: and we humbly trust that the late monitions of Providence—namely, drought, sickness, and storm, which severally have afflicted us this year—may be sanctified to us, and be the means of bringing us, one and all, into a closer communion with our God. May we remember the rod, and who hath appointed it; always bearing in mind, that our heavenly Father doth not willingly afflict the children of men." We envy not him, or her, who can read this without sympathy and admiration.

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* P. 230.

Here is a letter from one of the Pitcairn women, which, in our opinion, cannot be surpassed in the solemn simplicity and beauty of its piety and gratitude. It is from *Miriam Christian*, and addressed to the Rev. Mr Armstrong, chaplain of H.M.S. *Basilisk*, who had been very kind to them all:—

"PITCAIRN'S ISLAND, SOUTH PACIFIC OCEAN,
"Lat. 25° 4′ S., Long. 130° 8′ W.

"*Sept.* 26, 1844.

"REV. AND HONOURED SIR,—Please to accept my humble thanks for the interest you are pleased to take in our welfare, and also for the presents you and our other friends in Valparaiso have sent us; and may they and you be rewarded a thousandfold both in a temporal and spiritual sense. And *may the grace of our Lord Jesus Christ, and the love of God, and the fellowship of the Holy Ghost, be with you all.* Amen.

"I am, Rev. Sir, your grateful servant,
"MIRIAM CHRISTIAN."

The community, as we learn from Admiral Moresby,* "are strictly brought up in the Protestant faith, according to the Established Church of England;" and Mr Nobbs stated, in a sermon which he preached in London shortly before his return, that "there is but one form of church government, that of the Church of England. The Holy Bible and the Church Prayer-Book are their chief rules of guidance; their motto—'One Faith, one Lord, one Baptism.'"*

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* P. 261.

Divine service is performed in the school-house, a substantial building, fifty-six feet long by twenty wide, with a pulpit at one end. It is amply supplied with desks, forms, slates, books, and maps.

These worthy people, happy in so many other respects, are by no means exempt from the ordinary ills of humanity, and suffer occasionally very severely from prevalent illness, chiefly the influenza, and also more formidable diseases. There is a painfully interesting account given of the death, perfectly resigned, and even happy, of one of the women, from cancer. On all these occasions, for now a quarter of a century, this exemplary man has acted both as physician and chaplain.

How long this singular and interesting community may be able to remain at Pitcairn, is problematical; for Admiral Moresby tells us, in August 1852, that "the crops on the tillage-ground begin to deteriorate; landslips occur with each succeeding storm; and the declivities of the hills, when denuded, are laid bare by the periodical rains."* Symptoms in reality appear of an evil sometimes chimerically apprehended at home—population pressing on the means of subsistence. It will thus become the duty of the British government to deal prudently and tenderly with the little community; not tearing them all, with bleeding hearts, from the land of their birth, and the seat of their sweetest sympathies and associations, but assisting them from time to time, as they themselves perceive the inevitable necessity for so doing, to migrate to the numerous islands in that remote locality: each family, and each member of it, becoming a radiating centre of Christian civilization. At present, they themselves fondly declare, but it must be often with a heavy sigh, as they behold their steadily diminishing resources, that "they will not remove elsewhere whilst a sweet potato remains to them;" and as for their chaplain and pastor, he is rooted to the spot. As he told Mr Murray, "as long as two families shall remain at Pitcairn, I will remain also."

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* P. 199.

We know not how our readers may have been affected while perusing the foregoing pages, but we ourselves, in writing them, have felt as though freshened and cheered in spirit, by a brief sojourn in this little paradise in the far Pacific; as though we had glided for a while out of the glare and hubbub of the great world—its fierce rivalries, ambitions, covetousness, and ostentation—and been at peace in Pitcairn. It is a small type of a State, having its laws and constitution appropriate to its position and exigencies; but at present, almost necessarily free from those subtler and fiercer temptations which so incessantly, and only too successfully, assail highly civilised communities. Both, however, have had the pure light of Revelation to guide them—with what different results, while man conjectures, God *knows*. But no thinking person can read the history of Pitcairn without being profoundly affected by contemplating the results flowing directly and indubitably from the presence of the Holy Volume, in which is enshrined the revelation of God to man. It sufficed, indeed, to *make the rough places smooth, and* made *the wilderness blossom as the rose.*

We cannot part with the little volume,* to which we have been exclusively indebted for so much instruction and gratification, without again expressing our thanks to its excellent author. We feel as if we had been suddenly led by him out of a thick cloud into the blessed sunshine, and walked hand in hand with him through a sort of happy valley. It is a book written without pretence of any kind, but breathing throughout, as we have already said, a spirit of manly piety and benevolence. The style is plain and vigorous—admirably adapted for its writer's purpose. It is calculated to do great good among all classes; and as for sailors, had we our wish, half-a-dozen copies should be presented to every ship in Her Majesty's service, that Jack might see what comes of mutiny, and that Captains and Admirals may see how their brethren manage matters in the Pacific.

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* It contains several plates, including an excellent daguerreotype likeness of Mr Nobbs, and another of John Adams, the last of the mutineers, and finally the patriarch of Pitcairn. There are also several views of the island, and of the houses, school-house, &c. &c.

Mr Murray truly states, in his preface, that "the eventful history connected with Pitcairn, proves that real life may be as romantic as fiction." We have in these few pages the romance of reality, and many shadowings in the annals of this distant speck amidst the waters of the Pacific, of the grandest truths which can concern nations or individuals, as relating to the sources of vice and virtue, with their attendant misery or happiness.

And thus we say, in a kindly spirit, Adieu to the *Paradise in the Pacific!*

NOTE.

Good Admiral Moresby, having resigned the command in the Pacific, recently returned to England, and was welcomed by all who knew, and loved, and admired him: that is, by all who either knew or had heard of him: the University of Oxford, at the Commemoration in June 1854, conferred upon him the flattering distinction of an honorary D.C.L.

On Friday, 15th April 1853, he sailed in the *Portland* from Valparaiso to Pitcairn, conveying to his little island home Mr Nobbs and his two female children. On Sunday, the 15th May, they came so near the island as to be able to see the poor Pitcairners coming out of church, and preparing, on hearing three guns fired—which indicated that the ship was bringing to them three passengers—to launch their whale-boat. In half an hour's time it was alongside, followed by a canoe, in which were old Adams, son, and grandson. Their rapture on again seeing their pastor, and an ordained clergyman, may be imagined. The Admiral and several others accompanied Mr Nobbs to the island, and were grieved greatly on seeing how ill and poor the hapless inhabitants were, whom a failure of their crops had driven, for months, to subsist on pumpkins, berries, cocoa-nuts, and beans. Poor souls, they all appeared *so* sad, thin, and care-worn! Shortly afterwards the Admiral returned to the island, having, in passing, been met by a boat from it, containing the melancholy news that four-fifths of the inhabitants were prostrated by influenza!

It is clear that the island is no longer capable of supporting this interesting and primitive community; who, become sensible of the fact, have petitioned to be removed, by the British Government, to some not far-distant, but salubrious spot, exempt from the visitation of famine. They themselves indicated Norfolk Island,—as soon as it should have completely ceased to be a penal settlement; but their removal thither is at present uncertain, owing to unavoidable delays in the complete evacuation of it by its present criminal occupants. Doubtless steps will be taken, as soon as practicable, to secure the permanent comfort of these our distant, humble, and interesting fellow-countrymen.

On the 27th July 1853, the islanders transmitted, through Admiral Moresby, a present of "a small chest of drawers, of their own manufacture, of island." "Our means are very limited, and our mechanical skill also; and we will esteem it a great favour, if your Majesty would condescend to accept of it as a token of our loyalty and respect." Need we say, that our good Queen did so? and "very graciously. I am further to state," said the minister, "that her Majesty expressed her gratification at receiving this mark of loyalty and esteem from her subjects in Pitcairn's Island."

A sad accident happened to several of the islanders on the 26th January 1853. Intending to fire a parting salute to H.M. Steamer *Virago*, which had come to them on an errand of kindness, Matthew M'Coy, the Chief Magistrate, and two others, were loading their famous old gun from the *Bounty*, and used as a rammer an old rafter, on the top of which was a nail. This caused an explosion, blowing the three men to a great distance, and so seriously injuring the Chief Magistrate, M'Coy, that he died within twelve hours of his arm being amputated. He was a grandson of William M'Coy, the mutineer, and about thirty-five years of age, and was married to a sister of Mr Nobbs, and has left a large family. The old gun has been since spiked, and so silenced for ever.

These foregoing, and other interesting circumstances, are communicated to the public in a fourth edition of Mr Murray's interesting work—being the third which has appeared since this article was written. It was at the house of this gentleman that the author of these papers, at the earnest request of Mr Nobbs, was introduced to him.

UNCLE TOM'S CABIN.*

LET us imagine one of our critical successors of a century hence, that is, in the month of October 1953, sitting musingly before a copy of a work called UNCLE TOM'S CABIN, which a few days previously he had taken down by chance from one of the least-used shelves of his library. May one also amuse one's imagination by a picture of the possible state of things then existing on the other side of the Atlantic, by the light of which our shadowy friend of 1953 has read the work which his substantial predecessor of 1853 has just laid down?

—The present United States of America, after having been, perhaps, more than once split asunder and soldered together again—or the whole, or a large portion voluntarily reannexed to the mother country, and by and by again detached—after these and other, possibly more or less sudden, violent, and bloody vicissitudes—may have become a great Empire, under the stern, but salutary, one-willed sway of the Emperor of America: his majesty a jet black, who had shown consummate and unexpected high qualities for acquiring and retaining the fear and submission of millions of the stormiest tempers of mankind; but his lovely empress a white. He has an immense army, devoted to his person and will, composed of men of every complexion—from black, through copper middle-tints, down to white; and correspondingly diversified are his banners, but black, of course, the predominant: a quadroon being commander-in-chief. As for his majesty's civil service, he has a coal-black chancellor, equally at home in the profoundest mysteries of white and black letter; a mulatto minister of instruction, and a white secretary of state; black and white clergy, and a similarly constituted bar—here a big black face frowning out of a white wig, and there a little white face, grinning out of a black wig, with black and white bands, and gowns varied *ad libitum.* And the laws which they are concerned in administering, accord with these harmonious diversities—it being, for instance, enacted under heavy penalties, that no black shall, by gesture, speech, or otherwise, presume to ridicule a white because of his colour, nor, *vice versâ*, shall a white affect to disparage a black because of his complexion; that the emperor and empress shall always be of different colours, and that the succession to the throne shall alternate between black and white, or mulatto, members of the imperial family. By this and other provisions have been secured a complete fusion between North and South, between black and white, glitteringly typified by intermingled gems in the imperial crown; the central one being the identical black diamond that figured in the famous Exhibition in Great Britain in 1851, and presented to the emperor by one of the descendants of her Majesty Queen Victoria, then on the British throne! "To this *complexion*" shall it be that matters will have "come at last?"

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* *Blackwood's Magazine,* October 1853.

Uncle Tom's Cabin: A Picture of Slave Life in America. By HARRIET BEECHER STOWE. 1852.

The Key to Uncle Tom's Cabin: Presenting the original Facts and Documents upon which the Story is founded. By HARRIET BEECHER STOWE, author of *Uncle Tom's Cabin.* 1853.

Or will our sturdy cousins of 1953 be still republican, a united republic, but with offices, honours, rights, and privileges, equally distributed, as in our fancied empire, among those of every shade of colour? Or, after a fearful succession of struggles between black and white, * * * the * * * is predominant; * * * slavery, after a * * * sang— * * * or a noble spontaneous * * * †

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† Here the MS. becomes unfortunately illegible for some lines.

From a preliminary dissertation prefixed to the book, our critic of 1953 learns that it excited, almost immediately on its appearance, a prodigious sensation among all classes, both in Europe and America; that both sexes, high and low, young and old, literate and illiterate, vulgar and refined, phlegmatic and excitable, shed tears over it, and wrote, talked, and even ranted, about it everywhere; that, within a few months' time, impressions of it were multiplied by millions, and in most languages of the civilised world. That its writer, an American woman, immediately came over to England, and made her appearance in public assemblies, called in honour of her; and she was also "lionised" [a word explained, in a long note, as indicating a custom prevalent in that day, among weak persons, of running after any notorious person weak enough to appear pleased with it] among the fashionables and philanthropists of the day, but preserved, nevertheless, amidst it all, true modesty of demeanour and silence amidst extravagant eulogy. Inflamed with curiosity, our shadowy successor sits down to peruse a work—then possibly little, if ever, mentioned—anxious to see what could have produced such a marvellous effect, in the middle of the intelligent nineteenth century, on all classes of readers; and whether it produced permanent results, or passed away as a nine days' wonder. Having at length closed the pages of *Uncle Tom's Cabin*, and judged it according to the critical canons of 1953, will he deem it adequate to have produced such effects? *What estimate will he form of our intellectual calibre?*

We cannot tell, and shall not attempt to conjecture. Dismissing, therefore, but for a while only, the imaginary occupant of our critical chair a century hence, let us say for ourselves, that though our silence, and that of one or two quarterly contemporaries, may have excited notice, both in America and this country, we have been by no means indifferent spectators of the reception which this singularly successful book has met with; regarding it as one of those sudden phenomena in literature, even demanding a deliberate consideration of cause and effect. We apprehend no one will doubt that, to excite such attention and emotion among all classes of readers, in both hemispheres, as this work has excited, it must possess *something* remarkable; and what that is, it will be our endeavour to determine. We ourselves never read this work till within the last month, and then as a matter of mere critical curiosity, uninfluenced by the past excitement of others, and the favourable and unfavourable opinions which we heard expressed as to the merits of the work. If we could have been biassed at all, it would have been rather against, than in favour of, a writer who had been over-persuaded by her friends to come to this country, for the purpose of making a sort of public appearance, at the moment that admiration of her work was at fever height. Nothing could palliate such an indiscretion on the part of this lady's advisers, in the eyes of a fastidious Englishman, but the belief that she was a simple-minded, enthusiastic crusader against American slavery, considering that the totally unexpected celebrity of her work had afforded her an opportunity of accelerating a European movement, in a holy cause, by her personal presence. Criticism, however, ought not to be influenced by petty disturbing forces like these, nor will ours. We shall judge *Uncle Tom's Cabin* by its own intrinsic merits or demerits—occasionally looking for the light which she has thought proper to reflect upon it from its companion volume, "THE KEY."

Uncle Tom's Cabin is a remarkable book, unquestionably; and, upon the whole, we are not surprised at its prodigious success, even as a mere literary performance; but whether, after all, it will have any direct effect upon the dreadful INSTITUTION at which it is aimed, may be regarded as problematical. Of one thing we are persuaded—that its author, as she has displayed in this work undoubted genius, in some respects of a higher order than any American predecessor or contemporary, is also a woman of unaffected and profound piety, and an ardent friend of the unhappy black. Every word in her pages issues glistening and warm from the mint of woman's love and sympathy, refined and purified by Christianity. We never saw in any other work, so many and such sudden irresistible appeals to the reader's heart—appeals which, moreover, only a wife and a mother could make. One's heart throbs, and one's eyes are suffused with tears without a moment's notice, and without anything like effort or preparation on the writer's part. We are, on the contrary, soothed in our spontaneous emotion by a conviction of the writer's artlessness; and when once a gifted woman has satisfied her most captious reader that such is the case, she thenceforth leads him on, with an air of loving and tender triumph, a willing captive to the last. There are, indeed, scenes and touches in this book which no living writer, that we know of, can surpass, and perhaps none even equal.

No English man or woman, again, could have written it—no one, but an actual spectator of the scenes described, or one whose life is spent with those moving among them; scenes scarce appreciable by FREE English readers—fathers, mothers, husbands, wives, brothers, and sisters. We can hardly realise to ourselves human nature tried so tremendously as, it seems, is, after all, only faintly adumbrated in these pages. An Englishman's soul swells at the bare idea of such submission to the tyrannous will of man over his fellow-man, as the reader of this volume becomes grievously familiar with; and yet we are assured by Mrs Stowe that she has given us only occasional glimpses of the indescribable horrors of slavery. To this part of the subject, however, we shall return. Let us speak first, and in only general terms, of the literary characteristics of the author, as displayed in her work.

Mrs Stowe is unquestionably a woman of GENIUS; and that is a word which we always use charily: regarding genius as a thing *per se*—different from talent, in its highest development, altogether and in kind. Quickness, shrewdness, energy, intensity, may, and frequently do accompany, and are often mistaken for, but do not constitute genius. Its divine spark is the direct and special gift of God: we cannot completely analyse it, though we may detect its presence, and the nature of many of its attributes, by its action; and the skill of high criticism is requisite, in order to distinguish between the feats of genius and the operations of talent. Now, we imagine that no person of genius can read *Uncle Tom's Cabin*, and not feel in glowing contact with genius—generally gentle and tender, but capable of rising, with its theme, into high regions of dramatic power. This Mrs Stowe has done several times in the work before us—exhibiting a passion, an intensity, a subtle delicacy of perception, a melting tenderness, which are as far out of the reach of mere talent, however well trained and experienced, as the prismatic colours are out of the reach of the born blind. But the genius of Mrs Stowe is of that kind which instinctively addresses itself to the Affections; and though most at home with the gentler, it can be yet fearlessly familiar with the fiercest passions which can agitate and rend the human breast. With the one she can exhibit an exquisite tenderness and sympathy; watching the other, however, with stern but calm scrutiny, and delineating both with a truth and simplicity, in the one case touching, in the other really terrible.

" Free men of the North, and Christians," says she, in her own vigorous and earnest way, " cannot know what slavery is. * * * From this arose a desire," on the author's part, " to exhibit it in a living dramatic reality. She has endeavoured to show it fairly in its best and its worst phases. In its *best* aspect, she has perhaps been successful; but, oh! who shall say what yet remains untold in that *valley and shadow of death* that lies on the other side? * * * The writer has given only a faint shadow, a dim picture, of the anguish and despair that are at this very moment riving thousands of hearts, shattering thousands of families, and driving a helpless and sensitive race to frenzy and despair."

Without going further, the beautiful, accomplished, but ruined and heart-broken slave Cassy—the bought, abhorring, and ultimately discarded mistress of the miscreant Legree, and whose heart is full of despair and murder towards him—affords many instances of both kinds, the tender and the terrible. Her successor in the *affections!* of the monster, is the lovely young slave Emmeline, of but fifteen summers! and Cassy obtains a great ascendancy over her, winning her love by the story of her own indignities and bereavements.

"'What use will freedom be to me?' says Cassy, when they are whispering together in their place of concealment, where they lie like a couple of hunted hares, momentarily hidden from the hounds —'Can it give me back my children, or make me what I used to be?'

"There was a terrible earnestness in her face and voice as she spoke. Emmeline, in her childlike simplicity, was half afraid of the dark words of Cassy. She looked perplexed, but made no answer. She only took her hand with a gentle caressing movement.

"'*Don't!*' said Cassy, trying to draw it away (observe, she only *tries!*) '*You'll get me to loving you! and I swore never to love anything again!*'

"'Poor Cassy! * * * *I'll* be like a daughter to you! * * * I shall love you whether you love me or not!'

"The gentle childlike spirit conquered. Cassy sate down by her, put her arm round her neck, stroked her soft brown hair; and Emmeline then wondered at the beauty of her magnificent eyes, now soft with tears. 'O Emmeline!' said Cassy, 'I've hungered for my children, and thirsted for them, and my eyes fail with longing for them! Here, here!' she exclaimed, striking her breast, 'it's all desolate! all empty!'"

Of the terrible, we have a thrilling, indeed a sickening instance, in Cassy's frenzied determination to murder the fiend Legree, whose brandy she has drugged for the purpose—but we anticipate.

Occasionally, also, Mrs Stowe displays a fine perception of external nature—irradiating her inanimate scenes with the rich hues of imagination. At these, however, she generally looks through a sort of solemn religious medium. Here, for instance, is a startlingly suggestive picture. It is poor Uncle Tom, sitting at midnight, exhausted and heart-broken, during a moment's respite from the wasting and cruel inflictions of slavery, and reading his Bible by moonlight.

"* * * Tom sate alone by the smouldering fire that flickered up redly in his face.

"The silver fair-browed moon rose in the purple sky, and looked down, calm and silent, as God looks on the scene of misery and oppression—looked calmly on the lone black man, as he sate, with his arms folded, and his Bible on his knee. 'Is God here?' inquires he. Ah, (proceeds the author,) how is it possible for the *untaught* heart to keep its faith unswerving, in the face of dire misrule, and palpable unrebuked injustice? In that simple heart waged a fierce conflict: the crushing sense of wrong, the foreshadowing of a whole life of future misery, the *wreck of all past hopes, mournfully tossing in the soul's sight, like dead corpses of wife, and child, and friend, rising from the dark wave, and surging in the face of the half-drowned mariner!* Ah! was it easy *here* to believe and hold fast the great password of Christian faith, that *God* IS, *and is the* REWARDER *of them that diligently seek him?*"

Here, again, is the lovely smile of early morning flung over the monster Legree, poor Tom's brutal master, as he wakes from a foul debauch:—

"Calmly the rosy hue of dawn was stealing into the room. The morning star stood, with its solemn holy eye of light, looking down on the man of sin, from out the brightening sky. Oh, with what freshness, with what solemnity and beauty, is each new day born! as if to say to insensate man, 'Behold! thou hast one more chance! *Strive* for immortal glory!' There is *no speech nor language* where this voice is not heard; but this bold bad man heard it not. He awoke with an oath and a curse. What to him were the gold and the purple, the daily miracle of morning? What to him the sanctity of that star which the Son of God has hallowed as his own emblem? Brute-like, *he saw without perceiving;* and, stumbling forward, poured out a tumbler of brandy, and drank half of it. 'I've had a h—ll of a night!' he said."

'Twas somewhat different, that same morning, with his poor slave Tom, waking bruised, wearied, and well-nigh spirit-broken.

"The solemn light of dawn, the angelic glory of the morning star, had looked in through the rude window of the shed where Tom was lying; and, as if descending on that star-beam, came the solemn words, *I am the root and offspring of David, and the bright and morning star.* * * * Without shuddering or trembling, he heard the voice of his persecutor as he drew near. 'Well, my boy,' said Legree, with a contemptuous kick, 'how do you find yourself? Didn't I tell yer I could larn yer a thing or two? How do yer like it, eh? How did yer whaling'—he had been fearfully flogged over-night—'agree with yer, Tom? An't quite so crank as yer was last night? Ye couldn't treat a poor sinner now to a bit of a sermon, could yer, eh?'

"Tom answered nothing.

"'Get up, ye beast!' said Legree, kicking him again. This was a difficult matter for one so bruised and faint; and, as Tom made efforts to do so, Legree laughed."

These passages, taken at random, are highly characteristic of the author of *Uncle Tom's Cabin*, in more ways than one, as will by and by be shown.

Up and down the book are to be found strewn, as it were, carelessly, striking and grand reflections, evincing the deeply thoughtful moralist, and profoundly convinced believer.

"True—there was another life—a life which, once believed in, stands as a solemn significant figure before the otherwise unmeaning ciphers of time, changing them to orders of mysterious unknown value."

We have not met with this idea before; and it is very striking.* Again—

"The gift to appreciate, and the sense to feel the finer shades and relations of moral things, often seems an attribute of those whose whole life shows a careless disregard of them. Hence Moore, Byron, Goethe, often speak words more wisely descriptive of the true religious sentiment, than another man whose whole life is governed by it. In such minds, disregard of religion is a more fearful treason—a more deadly sin."

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* The author, shortly after the appearance of this paper, received an anonymous note, unfortunately mislaid, proving that this idea is taken from the writings of a living English author.

Again—.

"Oh! how dares the bad soul to enter the shadowy world of sleep!—that land whose dim outlines lie so fearfully near to the mystic scene of retribution! * * *

"Legree felt a secret dislike to Tom—the native antipathy of good to bad. He saw plainly that when (as was often the case) his violence and brutality fell on the helpless, Tom took notice of it; for so subtle is the atmosphere of opinion, that it will make itself felt without words; and the opinion, even of a slave, may annoy a master. * * *

"What a sublime conception is that of a last judgment! * * * A righting of all the wrongs of ages!—a solving of all moral problems, by an unanswerable wisdom."

One of these problems—perhaps the greatest at present insoluble by man—torments poor Tom.

"It was strange that the religious peace and trust which had upborne him hitherto should give way to tossings of soul and despondent darkness. The gloomiest problem of this mysterious life was constantly before his eyes: souls crushed and ruined, evil triumphant, and God silent! It was weeks and months that Tom wrestled, in his own soul, in darkness and sorrow."

Which of us cannot here sympathise with the poor, bruised, and bleeding black?

Yet once more.

"Is not this truly *feeling after God, and finding him?* And may we not hope that the yearning, troubled, helpless heart of man, pressed by the insufferable anguish of this short life, or wearied by its utter vanity, never extends its ignorant pleading to God in vain? Is not the veil which divides us from an almighty and most merciful Father, much thinner than we, in the pride of our philosophy, are apt to imagine? And is it not the most worthy conception of Him, to suppose that the more utterly helpless and ignorant the human being is that seeks His aid, the more tender and condescending will be His communication with that soul?"

Character is often drawn by our author with delicate discrimination; and, at the same time, she almost as often exhibits a poverty and crudeness in dealing with such subjects, which would be surprising, but that it is evidently referable to haste and inattention. Her mind, too, is so intent upon the great, noble, and holy purpose of her book, that she often does not give herself time to develop or mature her own happiest conceptions. The momentary exigencies of her story require the introduction of an additional figure; on which, having paused for a moment to call up the image of one before her mind's eye, she forthwith gives a few strokes, possibly intending, at a future time, to complete and retouch them; but that future time never comes, for she has got into new scenes, and moves on, with new characters and associations crowding round her. In this respect her book may be compared to the *studio* of a great painter, where the visitor sees some pictures in all the splendour of their completeness, and others in various stages of incompleteness—some exhibiting the master's hand, and others that of a hasty and unskilled workman; all which may, perhaps, be visibly accounted for by the painter's being absorbed by some masterpiece, itself, however, only approaching completeness. We feel bound, nevertheless, to express our opinion that an additional solution of the matter is to be found in her probably limited range of observation of actual life, at all events of such life as Europeans can appreciate. In delineating the character of slaves and the "slave-trader, kidnapper, negro-catcher, negro-whipper," as she herself fearfully groups them, she handles her pencil with the confident ease of a master. "The writer," says she herself, at the close of her work, "has lived for many years on the frontier line of slave states, and has had great opportunities of observation among those who formerly were slaves." To her sadly-familiar eye "there are some things about these slaves which cannot lie: those deep lines of patient sorrow upon the face—that attitude of crouching and humble subjection—that sad habitual expression of hope deferred in the eye—would tell their story, if the slave never spoke." We shall, however, presently have ample opportunities of showing Mrs Stowe's profound appreciation of the negro character; one of a far more composite construction than any but a philosopher might suppose, and also of great interest to those who are contemplating the future of the negro race, as a large, though many may unhappily deem it an unsightly, element, in ascertaining the fates of the human family. "This is an age of the world, truly," says our author, "when nations are trembling and convulsed. A mighty influence is abroad, surging and heaving the world as with an earthquake. And," she asks, "is America safe? Every nation that carries in its bosom great and unredressed injustice, has in it the elements of this great convulsion."

While the pathos of Mrs Stowe is deep and pure, her humour and satire are genuine and racy, but quiet. Gloomy as is the prevalent tone of her work, her reader's feelings are discreetly relieved by many little touches of quaint dry drollery. Master Shelby, for instance, is a sharp youth of thirteen, the eldest son of Uncle Tom's first and kind-hearted master; and he has taken it in hand to teach Tom, old enough to be almost his grandfather, his letters. Chloe is Uncle Tom's wife, and the cook of Mr Shelby; and it seems that she is a capital cook, to boot, as Master Shelby has found out. He often visits Uncle Tom's cabin, to teach old Tom his letters—and also partake of certain good things which Aunt Chloe used to prepare for her favourite; who displays no little art in inflaming her ambition by faintly undervaluing the culinary skill of one of her rivals, a cook at a neighbouring plantation. The whole scene is admirably sketched, and forms one of the earliest in the work. Excited to the utmost, she prepares a delicious supper for Master George, who, it will be seen, does it full justice.

"By this time Master George had arrived at that pass to which even a boy can come (under uncommon circumstances)—*i.e.*, when he could not eat another morsel; and, therefore, he was at leisure to notice *the pile of woolly heads and glistening eyes which were regarding their operations hungrily from the opposite corner.* [Who does not see the turgid youngster?—But one does not dislike him; for] 'Here!—you, Mose! Peto!' [said he, addressing the young sables—the children of Uncle Tom and Aunt Chloe]—breaking off liberal bits, and throwing them at them—'You want some, don't you?'"

One Black Sam, a friendly fellow-slave of Uncle Tom's, is unconsciously caught in the attitude of deeply considering the interests of number One, as soon as he hears of the departure of poor Uncle Tom, who has been suddenly sold to another master, leaving a vacancy in his somewhat confidential office, which *some one* must supply. "One touch of" *selfishness* "makes the whole world kin"—and here is how it strikes our black brother.

"Never did fall of any prime minister at court occasion wider surges of sensation than the report of Tom's fate among his compeers on the place. It was the topic in every mouth, everywhere; and nothing was done in the house or in the field, but to discuss its probable results.

"Black Sam, as he was called, from his being about three shades blacker than any other son of ebony on the place, was revolving the matter profoundly in all its phases and bearings, with a comprehensiveness of vision, and a strict look-out to his own personal well-being, that would have done credit (says good, sly Mrs Stowe) to any white patriot at Washington.

"'It's an ill wind dat blows *nowhar*,—dat ar a fact,' said Sam, sententiously, giving an additional hoist to his pantaloons, and adroitly substituting a long nail in place of a missing suspender-button. 'Yes, it's an ill wind blows nowhar,' he repeated. 'Now, dar, *Tom's* down—wal, 'course der's room for some nigger to be *up;* and why not *dis* nigger?—dat's de idee! Tom a-ridin' round de country—boots blacked—pass in his pocket—all grand as Cuffee; who but he? Now, why shouldn't Sam?—*dat's* what *I* want to know!'"

There are, however, many indications throughout the work of the writer's humorous powers being checked and restrained, either purposely or unconsciously, as if from a severe sense of the purpose with which she writes—as though before her mind's eye was ever the bleeding heart of the negro. We have an indistinct recollection of more than one disposition, or rather juxta-position, of persons and incidents most suggestive of *fun:* but they are suddenly discarded, the reader breathlessly following the grave and ardent writer, over whose pale countenance the smile had but furtively flickered for an instant, like a glance of moonlight on a gloomy sea. Here is one of the passages to which we allude. Mr St Clare and his heartless lackadaisical wife are conversing about his newly-acquired slave, Uncle Tom, for whom he feels no little regard; but she is speaking of him in a disparaging, contemptuous tone.

> "'Tom isn't a bad hand, now, at explaining Scripture, I'll dare swear,' said St Clare. 'He has a natural genius for religion. I wanted the horses out early this morning, and stole up to Tom's *cubiculum** there, over the stables, and there I heard him holding a meeting by himself; and, in fact, I haven't heard anything quite so savoury as Tom's prayer this some time. He put in for *me* with a zeal that was quite apostolic.'
>
> "'Perhaps he guessed you were listening! I've heard of *that* trick before!'
>
> "'If he did, he wasn't very polite; for *he gave the Lord his opinion of me pretty freely!* Tom seemed to think there was decidedly room for improvement in me, and seemed very earnest that I should be converted.'
>
> "'I hope you'll lay it to heart,' said Miss Ophelia, who is the pious, simple-minded, conscientious, elderly spinster, and cousin of Mr St Clare."

How much of the pious, disinterested character of the poor slave, the heartless distrust of his mistress, the humorous, good-natured levity of his master, and the earnest goodness of Ophelia, does this quiet touch reveal to us!

On another occasion, Mrs St Clare, who has no more intellect or feeling than her thimble, or thread paper, is conversing with her lovely little daughter Eva, who is pleading with her mamma on behalf of the poor little negress, Topsy, of whom more anon, and meekly suggesting the possibility of Topsy's being human! and consequently capable of improvement.

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* Is this word a suggestion from good Mrs Stowe's husband?

"'Mamma, I think Topsy is different from what she used to be; she's *trying* to be a good girl.'

"'She'll have to try a good while before *she* gets to be good,' said Mrs St Clare, with a careless laugh.

"'Well, you know, mamma, poor Topsy! everything has always been against her!'

"'Not since she's been *here*, I'm sure. If she hasn't been talked to' (not by the silly speaker, let our readers understand, but by good Miss Ophelia aforesaid, for whom poor Topsy has been *bought!* good-humouredly by Mr St Clare, simply to try whether moral and religious training can make anything of the little sooty gnome) *—'and preached to, and every earthly thing done that anybody *could* do; and she's just so ugly, and always will be, you can't make anything of the creature!'

"'But, mamma, it's so different to be brought up as I've been, with so many friends—so many things to make me good and happy; and to be brought up as she has been, all the time, till she came here!'

"'Most likely,' said Mrs St Clare, yawning. 'Dear me! how hot it is!'

"'Mamma, you believe, don't you, that Topsy could become an angel, as well as any of us, if she were a Christian?'

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* Topsy—an incomparable sketch—excited at first sight no pleasurable sensations in good, starched Miss Ophelia. "'Now, Augustine (Mr St Clare), what upon earth is *this* for? Your house is so full of these little plagues already, that a body can't set their foot down without treading on 'em! I get up in the morning, I find one asleep behind the door, see one black head poking out from under the table, one lying on the door-mat; and they are mopping, and mowing, and grinning between all the railings, and tumbling over the kitchen floor! What on earth did you want to bring *this* one for?'

"'For you *to educate*—didn't I tell you? You're always preaching about educating. I thought *I would make you a present of a fresh-caught specimen*, and let you try your hand on her, and bring her up in the way she should go! * * * The fact is, this concern (!) belonged to a couple of drunken creatures, that kept a low restaurant which I have to pass every day, and I am tired of hearing her screaming, and them beating and swearing at her. She looked bright and funny, too, as if something might be made of her; so *I bought her* (!) and I'll give her to you. Try, now—and give her a good orthodox New England bringing up, and see what it'll make of her!'

"'Well—I'll do what I can,' said Miss Ophelia; and she approached her new subject, very much as a person might be supposed to approach a black spider—supposing him to have benevolent designs towards it!'"

"'Topsy! what a ridiculous idea! Nobody but you would ever think of it! I suppose she could, though!'

"'But, mamma, isn't God her father, as much as ours? Isn't Jesus her Saviour?'

"'Well, that may be. I suppose God made everybody.—Where's my smelling-bottle?'"

This is very masterly. It has a sort of rich stillness of satire, and, at the same time, a truthfulness and suggestiveness which make the reader first admire the writer's acute perception of character and power of felicitous dialogue, and then pause and ponder the state of mind and feeling revealed — that of frivolous, ignorant, indifferent *acquiescence!*

The above extract incidentally indicates another excellence of Mrs Stowe. Her dialogue is almost always admirable; brief, lively, pointed, and characteristic—that is, when she does not, so to speak, crowd too much sail upon it, in her intense anxiety to be didactic and hortatory on the great subject on which her eyes are ever fixed. When she yields to the promptings of her own power over character and expression, she exhibits high dramatic capabilities. She perceives a fine *situation* with the intuition of genius, and inspires her characters with fitting sentiments, conferring upon them appropriate eloquence. Akin to this is the easy strength of her narrative. She hurries her reader along with her, breathless. The flight and pursuit of poor Eliza and her child—the incidents selected to heighten the interest in their fate—the introduction of Marks and Tom Loker, and their interview with Haley—their encounter at the rocky pass with George and his wife and child, are, in parts, worthy of the pencil of Sir Walter Scott: but, it must be added, that that consummate master of his art would never have drawn up suddenly in his exciting course, to interpolate drivelling allusions to Austria and the Hungarians, Poland, Ireland, and England—or tame and even irritating moralisings at the very crisis of the adventure, as is too often the case with

Mrs Stowe. But this very fault, and a serious one to a reader of fiction it is, must be referred to a cause infinitely and eternally honourable to the author—her pure and noble purpose in writing the book. With our eye fixed on that purpose, we will forgive her five times as many faults of style and arrangement as she is fairly chargeable with.

> "In every work regard the writer's *end*."

And in the application of this obviously just critical canon, we are disposed to look, in the present case, with peculiar benignity on miscarriages as to *means*. One or two of them, however, we must lightly indicate, for we are in our critical chair in addition to those at which we have already glanced.

We shall begin with a small matter. It is evident that the writings of one English author at least of the present day have made a deep impression on Mrs Stowe. This is Mr Dickens, with whom, indeed, she has much in common; but he must not attribute it to mere gallantry, if we express our opinion that there are parts of *Uncle Tom's Cabin* which he never can surpass, which he never has surpassed. She probes human nature every whit as tenderly and truly as he; her sympathies are as keen and subtle, her spirit is as generous, as his; her perception of the humorous as quick and vivid as his own. She shows also his — so to speak — structural faults; which, in a general way, we may indicate by saying, that condensation and directness of course would greatly improve the compositions of both. A lively reader hates to be detained on his way, in order to have traced out for him the source and operation of the *motives* by which characters are actuated. He likes to be given credit for a capacity to do that for himself. It occurs to us, that had Mr Dickens passed his life among the same scenes as Mrs Stowe, making allowance for certain special circumstances affecting the latter, he would have produced a work very similar, in both its faults and excellences, to *Uncle Tom's Cabin.* That she is a reader, and doubtless an admirer of his, is abundantly evident; for she has closely copied his manner, and that not in its most favourable manifestations, but rather the more obvious mannerisms. Mr Dickens might have written this passage for her:—

> "*Carriage sticks fast,* while Cudjoe on the outside is heard making a great muster among the horses. After various ineffectual pullings and twitchings, just as Senator is losing all patience, the carriage suddenly rights itself with a bounce, two front wheels go down into another abyss, and Senator, woman, and child, all tumble promiscuously on to the front seat; Senator's hat is jammed over his eyes and nose quite unceremoniously, and he considers himself fairly extinguished; child cries, and Cudjoe on the outside delivers animated addresses to the horses, who are kicking, and floundering, and straining under repeated cracks of the whip. Carriage springs up with another bounce—down go the hind wheels —Senator, woman, and child, fly over on to the back seat, his elbows encountering her bonnet, and both her feet being jammed into his hat, which flies off in the concussion. After a few moments the 'slough' is passed, and the horses stop, panting; the Senator finds his hat, the woman straightens her bonnet, and hushes her child, and they brace themselves firmly for what is yet to come."

Here again—

> "If any want to get up an inspiration, under this head, 'the beauty of old women,' we refer them to our good friend Rachel Halliday, just as she sits there in her little rocking-chair. *It had a turn for quaking and squeaking—that chair had—either from having taken cold in early life, or from some asthmatic affection, or perhaps from nervous derangement.* But as she gently swung backward and forward, the chair kept up a kind of 'creechy-crawchy' that would have been intolerable in any other chair. But old Simon Halliday often declared it was as good as any music to him, and the children all avowed *that they wouldn't* miss of hearing mother's chair for anything in the world."

Another little mannerism acquired from the same brilliant quarter, is the use, in grave composition, of the colloquial, "can't," "won't," "didn't," "couldn't," &c. &c. These are little bits of vulgar slip-slop, which are sad eyesores to readers of taste; and we cannot for the life of us see what end is gained by introducing them into black and white, except, perhaps, in fitting dialogue.

We have already intimated a considerable want of tact in Mrs Stowe, in twitching aside, as it were, her reader, when in full course of following her breathless, to listen to some self-obvious and commonplace moralising. Here is one most provoking instance. Poor beautiful Eliza Harris, supported by almost supernatural energy, is flying from misery and infamy—her little son close-clasped in her arms—with but a little time to improve her precarious chances of escape to Canada; knowing that her little one is *sold*, and that the blood-hounds may almost then, even, be snuffing on her track! 'Tis early — very early — in a frosty February morning; the sparkling stars are looking down, as it were, out of the cold silent heavens with pitying looks on the poor fugitive. She hastily hushes her child into silence, as "with vague terror he clings round her neck." He could have walked;—but let good Mrs Stowe's own fleet pencil tell of her heroine's feathery movements:—

> "Her boy was old enough to have walked by her side, and in an indifferent case she would only have led him by the hand; but now the bare thought of putting him out of her arms made her shudder; and she strained him to her bosom with a convulsive grasp as she went rapidly forward. The frosty ground creaked beneath her feet, and she trembled at the sound; every quaking leaf and fluttering shadow sent the blood backward to her heart, and quickened her footsteps. She wondered within herself at the strength that seemed to be come upon her—for she felt the weight of her boy as if it had been a feather, and every flutter of fear seemed to increase the supernatural power that bore her on; while from her pale lips burst forth, in frequent ejaculations, the prayer to a Friend above—'Lord, help! Lord, save me!'"

While the reader—perhaps herself a palpitating mother, almost blinded with her tears—is flying along with the dear fugitive and her child, bah! she is arrested, to listen to twaddle—we must say it—as follows:—

> "If it were *your* Harry, mother, or *your* Willy, that were going to be torn from you by a brutal trader to-morrow morning—if you had seen the man, and heard that the papers were signed and

> delivered, and you had only from twelve o'clock till morning to make good your escape—how fast could *you* walk? How many miles could you make in those few brief hours, with the darling at your bosom—the little sleepy head on your shoulder—the small soft arms trustingly holding on to your neck?"

Forgive us, dear Mrs Stowe, if we gently reproach you for thus marring your own beautiful narrative, and also giving English mothers credit for being so obtuse and phlegmatic as to be unable to realise all these thoughts and feelings as they are hasting along with you!

And there are many such instances of defective workmanship. A considerable portion of these consists of preaching — always, doubtless, perfectly orthodox and evangelical, but smacking too strongly — will she forgive us?—of the *conventicle* twang. After all, however, Mrs Stowe must be tried by the canon already cited—"regard the writer's *end;*" and doubtless she knows that portion of the American public for which she chiefly writes, and what kind and amount of *hard-hitting*, so to speak, is necessary to make an impression on sensibilities enclosed in rhinoceros' hide. We do not say that it is so; but we suppose that Mrs Stowe has classes of hard people in view, and knew the rough force requisite to hit home.

All these, however, and other similar little matters which might be mentioned, are mere motes in sunbeams, when regarded by the eye of a just and generous criticism; which only regrets, every now and then, that the gifted authoress had not had the advantage of submitting her MS., or her printed sheets, to the eye of some competent censor, capable of seizing the scope of her noble purpose, and solicitous to remove every obstacle in the way of her attaining it. But she evidently did not write for us in England — in Europe; nor did this pious daughter of genius dream of the world-wide fame which she was destined to acquire. She has assured us, in print, that, "when writing *Uncle Tom's Cabin*," she was "entirely unaware and unexpectant of the importance which would be attached to its statements and opinions. We implicitly believe her; and our heart gives her its entire confidence, as to a simple-minded and gifted Christian woman, writing out of the fulness of her heart, in order to open before the eyes of free shuddering Christendom a hideous and blood-smeared page of living humanity. She has repeatedly and solemnly asseverated that she has taken the greatest possible pains not to mis-state or exaggerate the case against slavery; that she speaks from long personal observation, and, in short, that "this work, more than any other work of fiction that ever was written, has been a collection and arrangement of real incidents, of actions really performed, of words and expressions really uttered, grouped together with reference to a general result, in the same manner that the mosaic artist groups his fragments of various stones into one general picture. His is a mosaic of gems —this is a mosaic of facts. * * * The book had a purpose entirely transcending artistic purpose, and accordingly encounters, at the hands of the public, demands not usually made on fictitious works. It is treated as a reality —sifted, tried, and tested as a reality; and, therefore, as a reality it may be proper that it should be defended. * * * It is a very inadequate representation of slavery, and necessarily so, for this reason—that slavery, in some of its workings, is too dreadful for the purpose of art. A work which should represent it strictly as it is, would be a work which could not be read." "The writer," she adds, in the preface to her *Key*, "has aimed, as far as was possible, to say what is true. * * * She has used the most honest and earnest endeavours to learn the truth." * * * "And the book is commended to the candid attention and earnest prayers of all Christians throughout the world." These are grave statements, especially when falling from the pen of one who had already secured a world-wide hearing; and by the light of such statements *Uncle Tom's Cabin* ought to be read, unless Mrs Stowe's means of knowledge, or her truthfulness, can be seriously impeached. Looked at in this light, the writer is regarded as actuated by a magnificent spirit: one which cannot stoop to regard petty carping and cavilling, and need concern itself with nothing but grave and temperate objections based upon facts. It will not do for her American critics to aver, that, "without being actuated by wrong motives in the preparation of this work, she has done a wrong which no ignorance can excuse, and no penance can expiate"*—unless such an allegation can be sustained by unequivocal evidence of exaggeration, misrepresentation, and falsehood. All we shall say at present is, that if Mrs Stowe is to be believed by her reader, he will lay down her book, on having deliberately read it, with feelings and thoughts too painful and deep for utterance, and which *ought* to lead to action.

The title of Mrs Stowe's book—"*Uncle Tom's Cabin*"—is far from commensurate with the scope of the fiction, or rather series of "pictures," of which it consists. The cabin is not the scene of any events of importance to the story. It is not impossible that her intention originally was to confine her pencil to the delineation of Tom, his residence, family, relations, and the incidents which befell them personally through the operation of slavery. Uncle Tom and his fortunes might have constituted a work by itself, and those of George and Eliza Harris, a second. The former might have been called *Uncle Tom*, and the latter *George and Eliza;* or, *The Cabin*, and *The Flight;* for there are two classes of adventures quite separate from each other—the experiences of the submissive, and the adventures of the recalcitrant, slave. It is true that the authoress seeks to link them together, at starting, by making Uncle Tom and Eliza Harris fellow-slaves of the same master and mistress, and Uncle Tom and Eliza's child, Harry, the subjects of a joint sale to the slave-trader; but beyond this slight connection there is none.

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* *New York Courier,* Nov. 5, 1852. Quoted, *Key,* p. 97.

Eliza, with her sold child, pays only one hasty affrighted midnight visit to the cabin of Uncle Tom; but her husband is never shown near it. At the very end of the story, however, Mrs Stowe seems to have had suggested to her the propriety of coupling the fates of her characters together in some way or other—so that, in a manner which may provoke the smile of a veteran novelist, she contrives to make a female slave, Cassy, whom Tom encounters at the close of his career, prove to be the mother of Eliza Harris; and a lady passenger, who happens, by the merest accident on earth, to be in the steam-boat in which the aforesaid slave is escaping, turns out to be the sister of George Harris! Rather a fortunate coincidence this, it must be owned. Thus it is, that, under the title "*Uncle Tom's Cabin—a Picture of Slave Life in America,*" there are two distinct threads of story, only nominally and arbitrarily connected together; while on each is strung a series of interesting, affecting, and even horrifying incidents, developing character, and the working of institutions upon it.

Let us now give some account of the style in which she has executed her work.

The tale opens with a skilfully contrived scene, the object being to arrest attention, without plunging into horrors which might at first shock a reader, and render him incredulous; and yet it is very startling to a European not familiar with slavery. It is a *tête-à-tête* between a respectable Kentuckian planter, involved by over-speculation, and the slave-dealer Haley, an impudent, swaggering, hard-hearted, gaudily-dressed brute, who bargains over his brandy and water for flesh and blood, just as he would do in respect of a bale of cotton. Mrs Stowe opens the wretch's character, as it were an oyster, with a firm and practised hand. It is quickly seen that the subject of chaffering is the sale of poor Tom, with whom Mr Shelby is reluctantly compelled to part, as some of his heaviest "paper" had found its way into the hands of

Mr Haley. In this introductory dialogue we meet with new and fearful phraseology, as applied to human beings. Mrs Stowe, with much tact, contrives, by a word or two, to excite the reader's interest in Tom long before he comes on the scene. In enumerating his good qualities, Mr Shelby speaks of poor Tom's religious character as a guarantee of his fidelity. This is how it strikes the slave-dealer. "Some folks don't believe there's pious niggers, Shelby; but I *do*. I had a feller, now, in this yer last lot I took to Orleans—'twas as good as a meetin' now, really, to hear that critter pray! * * * He fetched me a good sum, too; for I bought him cheap of a man that was obliged to sell out" (a tasteful allusion to the exact quandary of his companion!) "so I realised six hundred on him. Yes.—I consider religion a valeyable thing in a nigger, when it's the genuine article, and no mistake!" By and by, in bursts little Harry, romping about the room, trotted out by Mr Shelby, to amuse his hateful companion by his quaint antics; who had first asked, as the child entered—while the two gentlemen! were haggling about the price of Tom—"Well; haven't you a boy or a gal that you could throw in with Tom?" * * * After a while, Mr Haley adds—"I've got a friend that's going into this yer branch of the business—and wants to buy up handsome boys to raise for the market—fancy articles entirely!" Mr Shelby having hinted his reluctance to separate the child from his beautiful mother, who had just withdrawn him from the room, Mr Haley favours his companion with the result of his experiences in such matters; deprecating doing anything rashly ("though these critters arn't like white folks, you know"), lest—lest—it should injure the mother's health, and lower *her* price in the market! And he mentions a grievous blunder made by a friend of his, who too suddenly sold away a mother's baby, on which she "jist went ravin' mad, and died in a week—*clear waste, sir, of a thousand dollars*, jist for want of management

—there's where't is. It's always best to do the humane thing, sir; that's been my experience." By this time, our gentleman reader is disposed to fling friend Haley through the window; and, our lady reader—but, oh! as for her, we have much more serious matter in store. Mr Shelby, it is intimated, was desirous to help Mr Haley down stairs with a kick, but he was Mr Shelby's creditor! On the former's return, his debtor's scruples have been overcome; and poor good old Tom, and little Harry, have become the property of Mr Haley, who is to take them away the next morning! The whole of this introductory scene is highly creditable to Mrs Stowe's powers: it is graphic and dramatic, character and incident being hit off with a quiet strength, auguring well for the rest of her performance. She has not overdrawn Haley. She has given us quite enough to startle and disgust us with—the system, more than the individual, and has at the same time relieved the reader's mind by a just-perceptible strain of drollery and piquant satire. But how distinctly you see, all the while, the dismayed and ungratefully-treated patriarch, old Tom, and the beautiful mother, with bleeding heart soon to come before us—the one, his big heart heaving with grief and astonishment; the mother's, bleeding and broken! The first few chapters of this work will satisfy the most fastidious reader that he is sitting down before the production of a great artist. The scene enacting in Uncle Tom's cabin, during the time that his master is selling him to Haley, and consigning him to those of unknown suffering and death, is first-rate, and peculiarly racy to European readers; who, though strangers to such scenes, feel that this must be painted to the life. From the first to the end of the eighth chapter, including also the tenth, we are conducted, indeed, " from gay to grave, from lively to severe;" the lights and shadows of negro life are brought before us with equal vividness and distinctness, by scenes happily contrived, without a tinge of exaggeration, or a disfiguring touch of coarseness. Mr and Mrs Shelby are just what they ought to be, without any marked characteristics; the reader's attention being thus fixed undisturbedly on the new figures of Haley, Uncle Tom and Aunt Chloe, George and Eliza Harris, Marks, and Tom Loker, as well as the skittish, frolicsome, mischievous, and selfish negro servants. The story, too, is advancing: Tom is on his journey, manacled and fettered, in the slave-waggon with Haley, whose pursuit after Eliza and her child has been hitherto in vain, in spite of his grim auxiliaries; and George also has started safe on the desperate race for freedom: the little we have seen of him induces us heartily to say—God speed you! brave soul, you are worthy of the prize—may you win it!

The ninth chapter introduces us to quite a different scene—Senator Bird, and his bustling little soft-hearted wife, who became the host and hostess of fugitive Eliza—the pallid, the breathless—with tottering knees and bleeding feet—who has been led by the Kentuckian, who had helped her up the bank of the river, to the house of the senator and his wife, just as they are discussing—the abolition question. They, their children, and their quiet home-scene, are beautifully sketched—as are the means by which Eliza and her child are conducted, amidst the breathless suspense of the reader, to a place of temporary succour and safety.

The eleventh chapter introduces us to a different time and locality—an evening in a remote Kentucky hotel. The wild Kentuckian guests squat about and straddle their legs, and chew, and spit, before us. What a gathering of *hats* of all shapes and sizes—"quite a Shakspearian study!"—is before us! We see them all, and can conjecture the stranger aspect of those who wear them! It is here that our disguised friend George turns up, in the way we have mentioned. 'Tis here that he says, with erect form and flashing eye, to his former kind master, Mr Wilson, "I've said *Mas'r* for the last time to any man! I'm free!"

"Take care. You may be taken," replies good Mr Wilson, apprehensively.

"All men are free and equal *in the grave*, if it comes to that, Mr Wilson," says lion-hearted George, who is armed to the teeth. * * * "Goodby, sir; if you hear that I'm taken, you may know that I'm dead!" He stood up like a rock, and put out his hand with the air of a prince. Well done, Mrs Stowe! And how tenderly she presently smites the rock of his resolution, till the pent-up waters of a husband and a father gush forth! So do those of Mr Wilson, as he accepts poor George's little commission, to give to his wife the pin which she had formerly given to him as a Christmas present, and beseech her to get to Canada if ever she have the means, "and," he adds, "tell her to bring up our boy A FREE MAN!"

Chapter XII. gives us a hateful glimpse of an auction sale of slaves; after which we accompany friend Haley, with poor Tom and some other human cattle, in *La Belle Rivière*, a boat on the Ohio, "floating gaily down the stream," stuffed full of slaves, "under a brilliant sky, *the stripes and stars of free America waving and fluttering overhead!*" Who can read without a shudder of the young mother, whose infant has been deceitfully sold from her—who is suddenly told of her bereavement? "she did not scream, the shot had passed too straight and direct through her heart for cry or tear. Dizzily she sate down. Her slack hands fell lifeless by her side. Her eyes looked straight forward, but she saw nothing. All the noise and the hum of the boat, the groaning of the machinery, mingled dreamily to the bewildered ear; and the poor dumb-stricken heart had neither cry nor tear to show for its utter misery. She was quite calm." In vain, during the bright starlight solitude and silence, had poor Tom, forgetting his own griefs—his forlorn wife and children—crawled for a moment to her side, and tried to whisper a word of comfort from the New Testament. Her heart was palsied; and some time afterwards the good old slave was startled from his doze. "Something black passed by him quickly; * * * he heard a splash in the water. * * * No one else had seen or heard anything. He got up and searched — the woman's place was vacant—the poor bleeding heart was still at last, and the river rippled and dimpled just as brightly as if it had not closed above that heart!"— "Where alive is that gal?" said her new master, perplexedly, in the morning, searching every corner of the boat in vain; and then trying to make up his mind to the loss of so many dollars' worth, with what philosophy he might.

Chapter XIII. finds Eliza and her husband in the Quaker settlement, all prim, precise, kindly, thoughtful, and resolute about securing the safety of the fugitives. "Thou'rt safe here by daylight," said his hospitable host Simeon, "for every one in the settlement is a Friend, and all are watching. Moreover, it is safer to travel by night." Thus ends the chapter. The next three, XIV., XV., XVI., in continuation with chapters XVIII., XIX., XX., XXII., XXIII., XXIV., XXV., XXVI., XXVII., XXVIII., XXIX., (that is, fourteen, or upwards of a third of the entire work) find us in widely distant and different scenes, —travelling up the magnificent Mississippi, and finally housed at New Orleans, and moving among a new set of characters: Tom having, on the voyage, changed hands, and become the property of Mr St Clare, grateful for his having saved the life of his daughter Eva—for she falls over the boat side into the water, and Tom plunges in after her. This is a somewhat startling incident, and it was not quite necessary to peril the fragile little creature's life, in order to supply her father with an inducement to buy Tom. Story-tellers, mindful of the wise Horatian rule, should never use greater machinery to bring about their ends, than is adequate. The doing so generally argues a deficiency of power or invention. In the present instance the gentle reader's feelings are shocked, and needlessly; for as little Evangeline St Clare was the only and idolised child of her father, who was on board, and wanted a coachman—having dismissed his own for drunkenness—what more natural than for Tom, having gained, as in a pretty and natural way he had done, the affection of little Eva on the voyage, to occur to her and her father, as a good successor to his discarded Jehu? A silvery word or two from Eva's sweet little lips would have sufficed, and Tom, in the quietest way in the world, would have become the sable chattel of Mr St Clare. Observe, the very idea had occurred to Eva before her sudden and superfluous immersion, and she herself had told him of her intention.

> "* * * 'So, Uncle Tom, where are you going?'
>
> "'I don't know, Miss Eva.'
>
> "'Don't know,' quoth she, concernedly.
>
> "'No, I'm going to be sold to somebody. I don't know who.'
>
> "'My papa can buy you,' said Eva, quickly, 'and if he buys you, you will have good times. I mean to ask him to* this very day.'
>
> "'Thank you, my little lady,' said Tom."

Five minutes afterwards Mrs Stowe has heart enough to let the benevolent little creature go overboard, simply to be rescued by Tom! Nor is the incident told forcibly; and it elicits no unusual trait of character in anybody. Having thus introduced Tom to new places and persons, let us give a general account of this elaborate episodical portion of Mrs Stowe's undertaking.

The figures in the foreground of this large picture are —Mr and Mrs St Clare, his cousin Miss Ophelia, his daughter Eva, or Evangeline, Topsy, and Uncle Tom. Those in the background are Mr St Clare's brother, his youthful son Henrique, and a confused heap of domestic slaves—all as happy as happy can be, under the protection of their wealthy, indolent, good-natured proprietor, Mr St Clare; but there is also, almost hid in the dark shadow, *one Prue!* As for Tom, the lines have fallen to him in exceedingly pleasant places; he leads a life of only nominal servitude—the huge old pet of pretty little Eva, and consequently a favourite of her father. Here Mrs Stowe has evidently expended much greater pains than on any other portion of her work; but we doubt greatly whether she will be satisfied with our judgment on the subject. Speaking as English critics, we are of opinion that Topsy is worth all the others, ten times over; then comes Mrs St Clare; then the cook, ladies'-maids, and the valet Adolph; then Miss Ophelia, then Eva, and then Mr St Clare. The others have nothing distinctive about them, and seem introduced simply to "draw out" the characters and opinions of Mr St Clare and his daughter Eva.

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* "I mean to ask him *to*." This is a form of expression continually occurring in this work. It is also one used by the vulgar in this country; but Mrs Stowe puts it into the mouths alike of educated and uneducated—black and white. We might notice many analogous vulgarisms, in at least English eyes, but the critic is disposed heartily to act on the principle—

"Verum ubi plura nitent * * * non ego paucis
Offendar maculis."

Augustine St Clare and his brother Alfred are of Canadian descent—the sons of a wealthy Louisianian planter; their mother having been a lovely and pious Huguenot French lady, whose family had been early emigrants to Louisiana; and these two had been her only children. It is with Augustine* that we are at present concerned; and he having been crossed in love, through the cunning cupidity of the young lady's guardians—in disgust, and to show his indifference towards one whom he erroneously supposed to have jilted him, married the wealthy reigning belle of the season, "a fine figure, a pair of bright dark eyes, and—a hundred thousand dollars." Her husband was of a "sensitive temperament"

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* Mrs Stowe is evidently anxious to ingratiate her favourite hero with her readers, and perhaps with young ladies she may succeed, by constantly dwelling on his "large, blue, flashing eyes," "large, melancholy, blue eyes," "his *fine face,* classic as that of a Greek statue"—and so forth: but somewhat sterner touches are requisite to make him a hero, in the estimation of a man! It seems also rather odd to see him, an adult, "sitting on the floor, and laying his head back in Miss Ophelia's lap"—who lays her "hand on his forehead"—he saying to her, "Don't *take on,* so awfully serious!"

—"gay, easy, unpunctual, unpractical, *sceptical!*" Indeed, he himself declares, as to this last, "religion is a remarkably scarce article at our house." Almost immediately after his marriage, he received a letter from the lady to whom he had been "so passionately—romantically" attached, explaining the true state of matters. She was yet unmarried, and wrote fervently to him, supposing him also unmarried!

"Thus ended the whole romance and ideal of life for Augustine St Clare," whose wife was the mere incarnation of silliness, vanity, selfishness, and tyranny, as far as she dared to show this last. Her husband treated her, from first to last, with undisguised but laughing contempt; but it may be doubtful whether she really appreciated the extent to which he civilly despised her.

> "'Mr St Clare, I wish you wouldn't whistle,' said Marie; 'it makes my head worse.'
>
> "'I won't,' replied St Clare. 'Is there anything else you would wish me not to do?'
>
> "'I wish you *would* have some kind of sympathy for my trials; you never have any feeling for me!'
>
> "'My dear accusing angel!' said St Clare.
>
> "'It's provoking to be talked to in that way!'
>
> "'Then, how *will* you be talked to? I'll talk to order—any way you'll mention, only to give satisfaction.'
>
> "'St Clare always laughs when I make the least allusion to my ill health,' said Marie, with the voice of a suffering martyr. 'I only hope the day won't come when he'll remember it!' she added, and put her handkerchief to her eyes. Of course, there was a rather foolish silence."

Happy couple! But we think we have such in our own island home! Mrs St Clare was "beautiful, accomplished, and an heiress—entertaining no doubt that Augustine was a most fortunate man in having obtained her." "It is a great mistake," acutely observes Mrs Stowe, "to suppose that a woman with no heart will be an easy creditor in the exchange of affection. There is not on earth a more merciless exactor of love from others than a thoroughly selfish woman; and the more unlovely she grows, the more jealously and scrupulously she exacts love to the uttermost farthing." At length she brings her husband a solitary child, Evangeline, whom he names after his gifted, beloved, and sainted mother. From the time of Eva's birth, her mother's health "gradually sunk. A life of constant inaction, bodily and mental—the friction of ceaseless ennui and discontent, united to the ordinary weakness which attended the period of maternity, in the course of a few years changed the blooming young belle into a yellow, faded, sickly woman, whose time was divided among a variety of fanciful diseases, and who considered herself in every sense the most ill-used and suffering person in existence."

Such a woman as this, being worse than a mere cipher in her contemptuous husband's establishment, and Eva's health requiring change of air, he had taken her to Vermont for a season; bringing back with him his cousin Ophelia, a spinster of forty-five; a model of propriety, exactitude, and a sort of hard conscientiousness. She was the absolute bond-slave of the "*ought.*" Her standard of right was so high, so all-embracing, so minute, and making so few concessions to human frailty, that, though she strove with heroic ardour to reach it, she never actually did so, and of course was burdened with a constant and often harassing sense of deficiency. This gave a severe and somewhat gloomy cast to her religious character.

The contrast between this starched, prim, yet worthy beau-ideal of duty, and "gay, easy, unpunctual, unpractical" St Clare, is well conceived, and nearly as well carried out before the reader, who gradually conceives a kind of respect for her, which seems continually on the point of warming into regard; but the predominant idea in his mind is, that Miss Ophelia would make an excellent housekeeper in—somebody else's establishment: for himself, she would—he fears—be too good, and too hard—and—"tall, square-formed, and angular." What a treasure, however, thinks he, for a widowed cousin—three hundred miles off, with eight or ten wild boys and girls to break in! Mrs Stowe tells us, that Miss Ophelia is "the representative of a very numerous class of the very best of northern people, of activity, zeal, unflinching conscientiousness, clear *intellectual* discrimination between truth and error, and great logical and doctrinal correctness;* but with a want of that SPIRIT OF LOVE, without which, in the eye of Christ, the most perfect character is as deficient as a wax-flower, wanting in life and perfume. * * * Yet that blessed principle is not dead, but only sleepeth, and always answers to the touch of the true magnet — divine love." She, however, "unconsciously represents one great sin — the prejudice of caste, and colour." Even in the New England States, where slavery has been abolished by law, this prejudice flourishes in full and fell vigour, despite, even, the melting sunlight of Christianity! Those who will nobly stint themselves of luxuries, and almost necessaries, to send the gospel to the *distant* dark heathens, at home loathe the sight and contiguity of their black brother, and exhibit it even in the house of God. "Supposing," Mrs Stowe says, solemnly and finely, "our Lord were now on earth as he was once, what course is it probable that he would pursue with regard to this unchristian prejudice of colour? There was a class of men in those days, as much despised by the Jews as the negroes are by us; and it was a complaint made of Christ that he was a friend of publicans and sinners. And if Christ should enter, on some communion season, into a place of worship, and see the coloured man sitting afar off by himself, would it not be just in His spirit to go there and sit with him, rather than to take the seats of his richer and more prosperous brethren?"

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* "Her theological tenets were all made up, labelled in the most positive and distinct forms, and put by, like the bundles in her patch trunk; there were just so many of them, and there were never to be any more. Underlaying all, deeper than anything else, higher and broader, lay the strongest principle of her being—conscientiousness. *Nowhere is conscience so dominant and all-absorbing as with New England women.*" [Bless them!] "It is the granite formation which lies deepest, and rises out, even to the tops of the highest mountains." This last we suspect to be a touch of her relative—The "Professor!"

The character of Miss Ophelia is most happily developed, by means, principally, of Topsy—the Gem of the book, of whom more anon; and that character is, as will be seen, *proper* to the moral climate of New England; whereas, according to Mrs Stowe herself, "Mrs St Clare is the type of a class of women not peculiar to any latitude, nor any condition in society; * * * she may be found in England, or America." The same, indeed, is to be said of "Alfred and Augustine St Clare, who represent," she says, "two classes of men which are to be found in all countries,—the radically aristocratic and democratic men." In defining *her* "aristocrat" and "democrat," it must be borne in mind that she is speaking of American exhibitions of those characters, and as connected with the relation of slave-holders. On this subject we might make many observations; but content ourselves with saying, that, in the main, we concur with Mrs Stowe's views, as expounded by herself, with reference to the perilousness of intrusting man with practically irresponsible authority over his fellow-man. That state of society is essentially vicious, and foully rotten before the eyes of our Almighty Maker, *who hath made of one blood all nations of men for to dwell on all the face of the earth*, which does not make THE LAWS the indifferent and easily accessible protector, vindicator, and avenger of every human being living in that state.

The two brothers discuss frequently, and occasionally with considerable force, the question of slavery, as to its consistency or inconsistency with an enlightened and civilised system of laws, and the spirit and precepts of Christianity.

Why Mrs Stowe should have thought it necessary to represent her favourite St Clare as a *sceptic* on religious subjects, is not quite clear; unless, indeed, she intends to intimate that it is a dark and grievous characteristic of the whole class which he represents. Perhaps it may be, unfortunately, so; and, indeed, she seems, with bitter sarcasm, to hint that one thing which tends to produce this result is, the cool accommodation of the principles and precepts of the Gospel to the existing order of things in the slave states, in even their vilest aspects. Upon the whole, however, Mrs Stowe succeeds in satisfying the reader that her gentleman hero is a manly fellow, with all his faults. His love of his little daughter, his grief as he perceives her withering away before his eyes under the blight of consumption, his anguish and despair when she is taken from him, are all told touchingly—very touchingly, with true pathos. So also the fondness with which he cherishes the memory of his mother. He forms the resolution to give poor Tom his freedom; but as it is necessary, for the exigencies of the story, to get poor Tom into worse hands, there is no other way occurs to the author than to make Mr St Clare die abruptly; and the most suitable mode of bringing about that result is, when his moral being has been soothed and solemnised by a religious conversation with his cousin Ophelia, in which he says he "does not know what makes him think so much of his mother that night." He "has a strange kind of feeling as if she were near him * * *;" he by and by says, "I believe I'll go down street and hear the news to-night." He gets into a café; and while reading the paper, an affray arises between two partially intoxicated *gentlemen;* he "attempts to wrest a bowie-knife from one of them, who gives him a fatal stab with it in the side." He is brought home on a shutter, wrapped in a cloak, to the consternation of all in the house, and dies the same evening, having first said to Tom, "Pray!" He dies, "opening his eyes with a sudden light, as of joy and recognition, and saying 'mother'—and then he was gone."

Eva is evidently a favourite creation of the author's, and she is undoubtedly a gentle and sweet little spirit, suggesting tender thoughts of love and pity; but a mere worldly reader is apt to think, with a little impatience, that she is so very good; she talks so much beyond her years;* and challenges our admiration, with the confidence of a pattern child. No one can find fault with anything she says or does; but unfortunately, you see that the writer from the first intended her to be a little piece of perfection. Frail and sensitive human nature is a little irritated by this, and suspects something factitious. It says, peevishly, "I know many good and charming children, but here's an angel in flesh!" When, however, our excellent and pious author herself tells us, that "the gentle Eva is an impersonation, in childish form, of the love of Christ"—worldly criticism utters not another word, but reverences the writer's motives. Here is little Eva's death—

> "St Clare saw a spasm of mortal agony pass over the face. * * * 'Eva!' said he, presently, gently. She did not hear. 'Oh, Eva, tell us what you see! What is it?' A bright, a glorious smile passed over her face, and she said, brokenly,—'Oh, love—joy—peace!' gave one sigh, and passed from death to life."

It might have been grander, perhaps, if her *voiceless* response, had been that "glorious smile," reflecting the ineffable happiness—the suddenly seen glory of heaven. Are not these words, again, more likely to have fallen from an adult, than a mere child?

Let the spectator's eye now, however, be turned heavily towards the darkest portion of the background, and there is crouching a grisly figure, old Prue, "cross old Prue," as even sweet Eva styled her! This creature is introduced and disposed of by the author, with a certain dreadful power; she is seen for but a short space—but in that short space, what a tale of horror is told!

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* Here, however, is an exquisite touch. When Eva can no longer walk, Tom carried her; and on one occasion her father seeks to perform that office, "Oh, papa! let Tom take me! Poor fellow, it pleases him; and you know, *it's all he can do,* and he wants to do something!"

"So do I, Eva."

"Well, papa, you can do everything, and are everything to me. You read to me,—you sit up at nights; but Tom *has only this* one thing, and his singing!"

Prue was a tall, bony, coloured woman, with a scowling expression of countenance, and a sullen, grumbling voice. Her office was, to carry on her head a basket of rusks and hot rolls to Mr St Clare's house.

> "She set down her basket in the kitchen, squatted herself down, and resting her elbows on her knees, said—'O, Lord, I wish I'se dead!'
>
> "'Why do you wish you were dead?' asked Miss Ophelia.
>
> "'I'd be out of my misery,' said the woman, gruffly, without taking her eyes from the floor."

She is among the merry, saucy, black and quadroon servants, who jibe her, as soon as Miss Ophelia is gone. The only one who notices her is Tom, who offers to carry her basket for her, and tries to persuade her to leave off drinking, to which misery has driven her. She wishes herself in hell, Tom shuddering while she says so, to be out of her misery.

> "'Where was you raised?' he asked.
>
> "'Up in Kentuck. A man kept me to breed chil'en for market, and sold 'em as fast as they got big enough; last of all, he sold me to a speculator, and my mas'r (a baker) got me o' him.'
>
> "'What set you into this bad way of drinkin?"
>
> "'To get shet of my misery.'"

And she proceeds to describe that misery; and many a tender mother has sickened and shuddered over the next eighteen lines.

A few days afterwards another woman! came in old Prue's place, to bring the rusks. On being asked about her by Dinah, another servant, she says, mysteriously, "Prue isn't coming any more!"

> "'Why not?' inquires Dinah. 'She an't dead, is she?'
>
> "'We doesn't exactly know. She's down cellar,' said the woman, glancing at Miss Ophelia. After Miss Ophelia had taken the rusks, Dinah followed the woman to the door.
>
> "'What *has* got Prue, anyhow?' she said.

"The woman seemed desirous, yet reluctant, to speak, and answered in a low, mysterious tone. 'Well, you musn't tell nobody. Prue, she got drunk agin—and they had her down cellar—and thar they left her all day; and I hearn 'em saying that the flies had got to her—and she's dead!'"

The unhappy wretch had been whipped to death in a cellar, left there, and—"the flies had got to her!" Miss Ophelia's honest soul was fired with indignation on hearing it; and when she expressed her kindled womanly feelings to Mr St Clare, he received it with levity, "peeling his orange" while good excited Miss Ophelia is denouncing it as "perfectly abominable," and answering her with badinage; gaily adding, "My dear cousin, *I* didn't do it, and I can't help it; I would, if I could!"

Let us turn, however, from this revolting incident, to Mrs Stowe's *chef d'œuvre*, the inimitable TOPSY, a true psychological curiosity—a character quite new to us, and delineated by the pencil of a consummate limner. The portrait will not bear an additional touch, nor the loss of one that has been given it. It exactly satisfies the critical eye.

We have already given the reader Topsy's presentation to Miss Ophelia. Here is the little black imp *in propriâ personâ* before you, as Mr St Clare paraded her before the astounded eye of his prim cousin:—

"She was eight or nine years of age—one of the blackest of her race; and her round, shining eyes, glittering as glass beads, moved with quick and restless glances over everything in the room. Her mouth, half open with astonishment at the wonders of the new mas'r's parlour, displayed a white and brilliant set of teeth. Her woolly hair was braided in sundry little tails, which stuck out in every direction. The expression of the face was an odd mixture of shrewdness and cunning, over which was oddly drawn, like a kind of veil, an expression of the most doleful gravity and solemnity. She was dressed in a single filthy, ragged garment, made of bagging; and stood with her hands demurely folded before her. Altogether there was something queer and goblin-like about her appearance. 'Here, Topsy,' said Mr St Clare, giving a whistle, as a man would to call the attention of a dog, 'give us a song, now, and show us some of your dancing.' The black glassy eyes glittered with a kind of wicked drollery, and The Thing struck up, in a clear shrill voice, an odd negro melody, to which she kept time with her hands and feet, spinning round, clapping her hands, knocking her knees together, in a wild, fantastic sort of time, and producing in her throat all those strange guttural sounds which distinguish the native music of her race; and, finally, turning a somerset or two, and giving a prolonged closing note, as odd and unearthly as that of a steam whistle, she came suddenly down on the carpet, and stood with her hands folded, and a most sanctimonious expression of meekness and solemnity over her face, only broken by the cunning glances which she shot, askance, from the corners of her eyes. Miss Ophelia stood silent, perfectly paralysed with amazement."

A world of scrubbing and cleansing brings to sight "great welts and calloused spots"—ineffaceable marks of the system under which she had grown up that far, at the sight of which the heart of Miss Ophelia, who had a horrid repugnance to the touch of a nigger! "became pitiful within her!" She had compelled Jane, one of the quadroon maids, to assist her in the task of ablution, as she did, tossing her head with disgust; the "young one" "scanning, with a keen and furtive glance of her flickering eyes, the ornaments which Jane wore in her ears!"

When arrayed, at last, in a suit of decent clothing, and after her hair had been cropped close to her head, Miss Ophelia sits down to question the thing; who tells her, with a grin showing all her glittering teeth, that she does not know how old she is; that she never had a mother; never was born; never had no father, nor mother, nor nothin. "I was raised by a speculator, with lots of others. Old Aunt Sue used to take care on us."

"'Have you ever heard anything about GOD, Topsy?' She looked bewildered, and grinned.

"'Do you know who made you?'

"'Nobody, as I knows on,' said the child, with a short laugh. 'I 'spect I *grow'd!* Don't think nobody ever made me!'" * * *

"Virgin soil here," indeed, as St Clare slily suggested to his dismayed cousin. By and by—behold Topsy, washed and shorn, arrayed in a clean gown, with well-starched apron, standing reverently before Miss Ophelia, with an expression of solemnity well befitting a funeral, while she carefully initiates her sooty little charge into the mysteries of bed-making. Topsy pays profound attention to all the directions about under-sheets, bolsters, and turning down; but not too profound to prevent her, the young disciple, when her teacher's back was turned for a moment, snatching a pair of gloves and a ribbon, which she adroitly slipped into her sleeves, and stood with her hands duly folded as before!

Being required, by and by, to reduce her lessons to practice, out drops from her sleeve an end of the purloined ribbon! at which she looks, when furiously challenged, with innocent wonder. She declares solemnly she had never seen it till that minute; and when angrily shaken by Miss Ophelia, out dropped the gloves from the other sleeve! Topsy now owns to the gloves, steadily denying the ribbon; but, threatened with a whipping, confesses to both, with woeful expressions of penitence. Being adjured to "*confess*" if she has taken anything else, the little wretch owns to having taken "Miss Eva's red thing she wears round her neck," and Rosa's red ear-rings, and having burnt them! "Burnt them! why did you do that?" inquires the astounded lady. "'Cause I'se wicked —I is! It's mighty wicked, anyhow. I can't help it!" But in a moment or two's time, Eva and Rosa make their appearance, with necklace and ear-rings as usual, never having parted with them.

"'I'm sure I can't tell what to do with such a child,' said Miss Ophelia in despair. 'What did you tell me you took these things for, Topsy?'

"'Why, Missus said I must *'fess;* and I couldn't think of nothing else to 'fess,' said Topsy, rubbing her eyes.

"'But, of course, I didn't want you to confess to things you didn't do. That's telling a lie just as much as the other.'

"'Laws, now, is it?' said Topsy, with an air of innocent wonder!"

Here is an impressive contrast:—

"Eva stood looking at Topsy. There stood the two children, representatives of the two extremes of society. The fair, high-bred child, with her golden head, her deep eyes, her spiritual, noble brow, and prince-like movements; and her black, keen, subtle, cringing, yet acute neighbour. They stood the representatives of their races. The Saxon, born of ages of cultivation, command, education, physical and moral eminence; the African, born of ages of oppression, submission, ignorance, toil, and vice."

If Miss Ophelia's conscientiousness were, to use the slang of the phrenologist, "largely developed," that of Topsy was about equal to the conscientiousness of a squirrel or a monkey; and good Miss Ophelia observes her *protegée*, "lithe as a cat, and active as a monkey," and to the full as wantonly mischievous, with dumb despair. One of her fancies was to deck herself in Miss Ophelia's choicest ornaments, and rehearse in them, like an actress, before the glass, singing, whistling, and making grimaces. Once surprised by the lady, with her "very best scarlet Indian crape shawl wound round her head for a turban!" "Topsy," says she, at the end of all patience, "what does make you act so?"

"'Dun no, missis. I 'spects 'cause I'se so wicked.'

"'I don't know what I shall do with you, Topsy.'

"'Law, missis, you must whip me! My old missis allers whipped me. I an't used to workin' without I gets whipped.'

"'Why, Topsy, I don't want to whip you. You can do well if you choose; why wont you?'

"'Laws, missis, I'se used to whippin'. I 'spects it's good for me.'"

Though one might almost as well, one would have thought, have tried to teach a hedgehog astronomy, Miss Ophelia devoted herself to teaching the gnome the Catechism; and, after a patient year and a half's efforts, here were some of the blessed results, as exhibited before laughing Mr St Clare, before whom were confident catechist and hopeful catechumen:—

"'*Q.*—Our first parents, being left to the freedom of their own will, fell from the state wherein they were created.' Topsy's eyes twinkled, and she looked inquiringly.

> "'What is it, Topsy?' said Miss Ophelia.
>
> "'Please, missis, was dat ar *state* Kintuck?'
>
> "'What state, Topsy?'
>
> "'Dat state dey fell out of. I used to hear Mas'r tell how as we come down from Kintuck!'"

But what the sedulous didactic teaching of Miss Ophelia failed to do, would have doubtless been effected by sweet little Eva, had she lived: from whom, one day, fell the first word of kindness she had ever heard in her life; and the sweet tone and manner struck strangely on the wild rude heart, and a sparkle of something like a tear shone in the keen, round, glittering eye.

Twice again this strange creature flits across the scene, and on one of these occasions says:—

> "'Old missus whipped me a deal harder, and used to pull my har, and knock my head agin the door; but it didn't do me no good! I 'spects if theys to pull every spear o' har out of my head, it wouldn't do no good, neither! I'se so wicked! Laws! I'se nothing but a nigger, no ways!' * * * 'But, Topsy, if you'd only try to be good, you might'——
>
> "'Couldn't never be nothin but a nigger, if I was never so good! If I could be skinned, and come white, I'd try then!'"

Poor Topsy! these words go to the heart of all but—a moral *leper white as snow!* There is in them a huge volume of anguish and reproach.

It required the potent eloquence of little Eva's death to dispel the last lingering feelings of Miss Ophelia's repugnance towards the unhappy little black, in whom also the same solemn event had worked a marked change. "The callous indifference was gone * * * there was a *striving* for good — a strife, irregular, interrupted, suspended, oft — but yet renewed again." The finishing touch to this singular and masterly delineation is exquisite in every way:—

> "One day, when Topsy had been sent for by Miss Ophelia, she came, hastily thrusting something into her bosom. 'What are you doing there, you limb? You've been stealing something, I'll be bound,' said the imperious little Rosa (a quadroon slave), who

had been sent to call her, seizing her at the same time roughly by the arm.

"'You go 'long, Miss Rosa!' said Topsy, pulling from her; ''tan't none o' your business!'

"'None o' your sa'ce!' said Rosa. 'I saw you hiding something—I know yer tricks,' and Rosa seized her arm, and tried to force her hand into her bosom; while Topsy, enraged, kicked and fought valiantly for what she considered her rights. The clamour and confusion of the battle drew Miss Ophelia and St Clare both to the spot.

"'She's been stealing!' said Rosa.

"'I han't, neither!' vociferated Topsy, sobbing with passion.

"'Give me that, whatever it is!' said Miss Ophelia, sternly.

"Topsy hesitated; but, on a second order, pulled out of her bosom a little parcel done up in the foot of one of her own old stockings. Miss Ophelia turned it out. There was a small book which had been given to Topsy by Eva, containing a single verse of Scripture arranged for every day in the year; and in a paper, the curl of hair which she had given on that memorable day when she had taken her last farewell. St Clare was a good deal affected at the sight of it; the little book had been rolled in a long strip of black crape, torn from the funeral weeds.

"'What did you wrap *this* round the book for?' said he, holding up the crape.

"''Cause—'cause—'cause 'twas Miss Eva. Oh, don't take 'em away, please!' she said; and, sitting flat down on the floor, and putting her apron over her head, she began to sob vehemently.'"*

"Topsy," says Mrs Stowe, "stands as the representative of a large class of the children who are growing up under the institution of slavery—quick, active, subtle, and ingenious—apparently utterly devoid of principle and conscience—keenly penetrating, by an instinct which exists in the childish mind, the degradation of their condition, and the utter hopelessness of rising above it." In a note to a friend on the same subject, she writes, beautifully, "There lies, buried down in the heart of the most seemingly stupid and careless slave, a bleeding spot that bleeds and aches, though he could scarcely tell why —and this sore spot is the degradation of his position."

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* The next sentence in the text is a striking instance of the superfluous and even irritating habit of Mrs Stowe already alluded to. As if she had not painted so vividly as to touch the most stolid feelings, she adds—"It was a curious mixture of the pathetic and the ludicrous—the little old stocking, black crape, text-book, fair soft curl, and Topsy's utter distress." Surely this is writing under the picture of a horse—"This is a horse: do you see its hair, head, neck, body, legs, hoofs, and tail? And it has ears, eyes, and nostrils!"

Miss Ophelia, having had a formal gift of Topsy from Mr St Clare, takes her home to Vermont, where we are told, she "grew rapidly in grace and favour with the family," at first sufficiently staggered by the quaint apparition. "At the age of womanhood she was at her own request baptized; and finally recommended and approved as a missionary to one of the stations in Africa." Of course the mode of training Topsy was beyond the scope of the writer's purpose; but we could have wished to see a good deal more of Topsy, in the progress of her mental and moral development. As it is, however, the sketch is pregnant with instruction, encouragement, and warning; and were it for this one portrait alone, Mrs Stowe would be entitled to the blessings of generations of blacks yet unborn. With the divine penetration of genius consecrated by holiness, she has wrought down to the seat of our common nature, in the black, crushed beneath whole piled up mountains of prejudice, scorn, and despair.

We must now return to poor Tom, whose course is henceforth brief, and of deepening gloom, and whose *sun goes down in blood.*

Detestable Mrs St Clare, released from the humanising presence of her husband, as though she had been a deadly snake half-crushed by the presence of authority, makes amends for past inaction, by darting venomously at every one within her reach. She orders off a poor girl to the whipping-house, to be flogged, *naked*, by the common flogger—a huge man—in the presence of as many of both sexes as chose to look on, and be entertained by her shrieks, and the sight of her quivering ensanguined flesh.*

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* The luckless girl bore her own penal letter-missive—" An order, written in Mrs St Clare's *delicate Italian hand*, to the master of a whipping establish-

Mrs St Clare contemptuously discarded the entreaties of Miss Ophelia, based mainly, with a womanly energy, on the mere sense of sex: and in disgust, Miss Ophelia returns, with Topsy, to her own country. Moreover, though poor Tom had been repeatedly promised his freedom by her husband, as she well knows, she ruthlessly sells him, with all the other slaves. Tom is told of his fate—to be forthwith sent to the slave mart. "The Lord's will be done!" he exclaimed, folding his arms, and sighing heavily. He appeals to Miss Ophelia, who makes a hopeless attempt on Mrs St Clare, relying on her deceased husband's promise. "Indeed," says that charming lady, delicately clad in elegantly-made mourning for him whose solemn wishes she was violating, as he lay scarce cold in his grave—"Indeed I shall do no such thing! Tom is one of the most valuable slaves in the place! It could not be afforded any way!" * * * "But consider his chance of getting a bad master"— "O! that's all humbug!"—and the good lady turns a scornfully deaf ear to the solemn assurance, that Mr St Clare had made the promise to Eva on her death-bed. Marie St Clare is the type, we are told, of a class.

> "When Marie comes under a system of laws which gives her absolute control over her dependants—which enables her to separate them, at her pleasure, from their dearest family connexions, or to inflict upon them the most disgraceful, degrading, and violent punishments, without even the restraint which seeing the execution might possibly induce—then it is that the character arrives at full maturity."

Here we part with this viper; assuring the class whom she may represent, that they are burthened with the execration of the civilised world—most piercing of all, those of her fair, Free sisters.

Now one's heart aches to see poor Tom, the helpless, sorrowful inmate, amongst a great quantity of uproarious

ment, to give the bearer fifteen lashes!" and this for only a hastily-uttered saucy expression!

and *quasi*-merry other live lumber — of a New Orleans slave-market. Oh, sickening scene! But here the two figures arresting the eye, and whose brief tale is told with melting pathos and simplicity, are Susan and Emmeline, both beautiful, mother and daughter; the latter only fifteen, just budding into womanhood: both with hearts trembling at the fear of approaching separation—and with what kind of life before them? The mother to be sold for the purpose of breeding other slaves; the daughter—oh speak it not in the ears of Free fathers and mothers—of Christian men or women—to be "sold to a life of shame!" She has "the same soft, dark eye" as her mother, "with longer lashes, and her curling hair is of a luxuriant brown." And in passing, we are told, with an appalling irony, that "the gentleman to whom they belong, and to whom the money for their sale is to be transmitted, is a member of a Christian Church in New York, who will receive the money, and go thereafter to the sacrament of *his Lord* AND THEIRS, and think no more of it."

The hurriedly-whispered dialogue of these two would break a heart of stone to overhear: they are, that forlorn mother and daughter, trying to express a hope, a faint hope, poor souls! that they may be sold together! In order to aid this result, and disguise her beauty, the mother and she comb out her luxuriant tresses, so as to "look plain and decent;" but in the morning, when the watchful owner comes round to look at his human cattle —"How's this?" he said, stepping in front of Susan and Emmeline, "where's your curls, gal?" He is told, timidly, that they thought it looked "more respectable so."

> "'Bother!—You go right along, and curl yourself real smart,' he added, giving a crack to a ratan he held in his hand; 'and be back in quick time, too! You go and help her,' to her mother—'them curls may make a hundred dollars difference in the sale of her!'"

Can horror go deeper? Yes, one step. The loathsome monster, Legree—of whom in a moment—is presently attracted by her beauty.

"He put out his heavy, dirty hand, and drew the girl towards him"—oh, Mrs Stowe! shall we go on?—"passed it over her neck and bust; felt her arms; looked at her teeth, and then pushed her back against her mother, whose patient face showed the sufferings she had been going through, at every motion of the hideous stranger."

"The girl was frightened, and began to cry.

"'Stop that, you minx!' said the salesman, 'no whimpering *here!* The sale's going to begin!'"

Presently the mother is put up on the block, and bought by a benevolent purchaser; in descending from it she gazes wistfully at her lovely daughter; and implores her purchaser—"O, do buy my daughter!" He tries to do so; but, alas! she has inflamed the sensual monster Legree: so Lust quietly bids against Benevolence, resolved to secure his victim: "the hammer falls; he has got the girl, body and soul, unless God help her!" But will He? The chapter ends ominously with a passage from his Word—

When he maketh inquisition for blood, he forgetteth not the cry of the humble!

This Legree also purchases Tom, having quickly appreciated his "points," as a "valleyable nigger:" and here you may see the *cobra*, uncoiled for you, in all its hideousness.

"He was a short, broad, muscular man, in a checked shirt, considerably open at the bosom, and pantaloons much the worse for dirt and wear, who elbowed his way through the crowd, like one who is going actively into a business; and coming up to the group, began to examine them systematically. From the moment that Tom saw him approaching, he felt an immediate and revolting horror at him, that increased as he came near. He was evidently, though short, of gigantic strength. His round, bullet head, large, light-grey eyes, with their shaggy, sandy eyebrows, and stiff, wiry, sun-burnt hair, were rather unprepossessing items, it is to be confessed; his large coarse mouth was distended with tobacco, the juice of which, from time to time, he ejected from him with great decision and explosive force; his hands were immensely large, hairy, sun-burnt, freckled, and very dirty, and garnished with long nails, in a very foul condition. This man proceeded to a very free personal examination of the lot. He seized Tom by the jaw, and pulled open his mouth, to inspect his teeth (!); made him strip up his sleeve, to show his muscle; turned him round, made him jump and spring, to show his paces.

"'Where was you raised?' he added briefly to these investigations. 'In Kintuck, mas'r,' said Tom, looking about as if for deliverance. 'What have you done?' 'Had care of mas'r's farm,' said Tom. 'Likely story!' said the other shortly, as he passed on."

Legree's exterior only faintly adumbrates the interior horrors of his character, as the reader soon finds out. The monster seems specially pleased with one of his purchases—the sweet Emmeline, who, as they approach "home," feels the hot foul breath of the serpent upon her.

"'Well, my little dear,' said he, turning to Emmeline, and laying his hand on her shoulder, 'we're almost home!' When Legree scolded and stormed, Emmeline was terrified; but when he laid his hand upon her, and spoke as he now did, she felt as if she had rather he would strike her. The expression of his eyes made her soul sick, and her flesh creep.

"'You didn't ever wear ear-rings!' he said, taking hold of her small ear with his coarse fingers.

"'No, Mas'r,' said Emmeline, trembling, and looking down.

"'Well, I'll give you a pair, when we get home, if you're a good girl. You needn't be so frightened. I don't mean to make you work so very hard! You'll have fine times with me, and live like a lady! Only be a good girl!'"

Alas, sweet Emmeline! motherless Emmeline! was there NO MAN, no father, no brother, near you, to fell the monster to the earth? No, none; and you are close to the residence of your eager and brutal proprietor. There he had destined her as the successor of one of whom he was tired—but whom yet he feared: and that was CASSY; a being whom we did not suppose Mrs Stowe, with all our trust in her previously exhibited powers, equal to conceiving and supporting. She occasionally reminds us of some great passages in Greek tragedy.

"'Come, mistress,' quoth Legree to Emmeline, having reached the house, and dismissed all his other purchases to their prescribed localities in the plantation. 'You go in here with *me!*' A dark wild face was seen, for a moment, to glance at the window of the house: and as Legree opened the door, a female voice said something in a quick, imperative tone."

This was—Cassy; and here is her figure.

"She was tall and slenderly formed, with remarkably delicate hands and feet, and dressed in neat and respectable garments. By the appearance of her face, she might have been between thirty-five and forty; and it was a face that, once seen, could never be forgotten—one of those that, at a glance, seemed to convey to us an idea of a wild, painful, and romantic history. Her head was high, and her eyebrows marked with beautiful clearness. Her straight, well-formed nose, her finely-cut mouth, and the graceful contour of her head and neck, showed that she must once have been beautiful; but her face was deeply wrinkled with lines of pain, and of proud and bitter endurance. Her complexion was sallow and unhealthy, her cheeks thin, her features sharp, and her whole form emaciated. But her eye was the most remarkable feature—so large, so heavily black, overshadowed by long lashes of equal darkness, and so wildly, mournfully despairing. There was a fierce pride and defiance in every line of her face, in every nerve of the flexible lip, in every motion of her body; but in her eye was a deep, settled night of anguish—an expression so hopeless and unchanging, as to contrast fearfully with the scorn and pride expressed by her whole demeanour."

Her relations to Legree were of a mysterious character. The first that Tom saw of her was when she suddenly, and to the surprise of all her fellow-slaves, made her appearance, as one of themselves, in the cotton-fields, walking by his side, erect and proud, in the dim grey of the dawn. She works with the others, but infinitely quicker and more effectively. Observing Tom generously transfer some cotton of his own picking to the sack of a feeble female fellow-slave, whom he had just seen brutally maltreated by the driver—she approached him, and transfer-red some of her own cotton to his bag, telling him in a fearful whisper, "that he knew nothing about that place, or he would not have done what he had: that when he had been there a month, he would have ceased helping anybody, finding it hard enough to take care of his own skin."

"The Lord forbid, *missus*," quoth Tom, instinctively recognising her superiority over the others.

> "'The Lord never visits these parts,' said she bitterly. But her action had been observed by the driver, across the field: and flourishing his whip, he came up to her. 'What! what!' he said to the woman, with an air of triumph, 'YOU a-foolin'! Go along! yer under *me* now—mind yourself, or ye'll cotch it!' A glance like sheet-lightning suddenly flashed from her dark eyes; and facing about, with quivering lip and dilated nostrils, she drew herself up, and fixed a glance, blazing with rage and scorn, on the driver. 'DOG!' she exclaimed, 'touch *me*, if you dare! I've power enough yet to have you torn by the dogs, burnt alive, cut to inches!—I've only to say the word!'
>
> "'What de debel you here for, den?' said the man, cowed, and retreating a step or two. 'Didn't mean no harm, Misse Cassy!' and he slinks to another quarter of the field."

Weighing time comes in the evening.

> "'So,' says Legree, to his myrmidon, 'Misse Cassy did her day's work?'
>
> "'Iss! she pick like the debel and all his angels!'
>
> "'She's got 'em all in her, I believe!' said Legree; and growled a brutal oath."

At length it is Cassy's time, and she delivers her basket to be weighed with a haughty, negligent air: Legree looking in her eyes with a sneering, yet inquiring glance. She fixed her black eyes on him steadily—her lips moved slightly, and she said something in French. What it was, no one knew, but the expression of Legree's face became demoniacal; and he half-raised his hand, as if to strike—a gesture which she regarded with fierce disdain, and turned, and walked away. Then Tom comes up; and, poor fellow, for once we rejoice to say, shows something like a spirit: for being ordered to try his hand on flogging the poor female slave, falsely accused of not having picked her quantity, he steadfastly refuses; and after having received a shower of blows from Legree, firmly repeats, "This yer thing I can't feel it right to do," wiping the blood from his face; "and massa, I *never* shall do it — *never!*" All the shivering wretches around exhibit consternation at his audacity; and Legree looked stupified and confounded; but at last he burst forth:—

> "'What, ye blasted black beast! tell *me* ye don't think it *right* to do what I tell ye! What have any of you cussed cattles to do with thinking what's right? I'll put a stop to it. Why, what do ye think ye are? Maybe ye think ye'r a gentleman, Master Tom, to be a-telling your master what's right, and what an't; so you pretend it's wrong to flog the gal?'
>
> "'I think so, mas'r,' said Tom; 'the poor crittur's sick and feeble, 'twould be downright cruel, and it's what I never will do, nor begin to, mas'r. If you mean to kill me, kill me; but as to my raising my hand agin any one here, I never shall: I'll die first.' Tom spoke in a mild voice, but with a decision that could not be mistaken. Legree shook with anger; his greenish eyes glared fiercely, and his very whiskers seemed to curl with passion; but, like some ferocious beast that plays with its victim before he devours it, he kept back his strong impulse to proceed to immediate violence, and broke out into bitter raillery. 'Well, here's a pious dog, at last, let down among us sinners! a saint, a gentleman, and no less, to talk to us sinners about our sins! Powerful holy crittur he must be! Here, you rascal; you make believe to be so pious, didn't you never hear out of yer Bible, "Servants, obey your masters"? An't I your master? Didn't I pay down twelve hundred dollars cash for all there is in yer old cussed black shell? An't yer mine now, body and soul?' he said, giving Tom a violent kick with his heavy boot; 'tell me!' In the very depth of physical suffering, bowed by brutal oppression, this question shot a gleam of joy and triumph through Tom's soul. He suddenly stretched himself up, and looking earnestly to heaven, while the tears and blood that flowed down his face mingled, he exclaimed—'No, no, no! my soul an't yours, mas'r! You havn't bought it; ye can't buy it; it's been bought and paid for by one that's able to keep it. No matter—no matter, you can't harm me!'
>
> "'I can't!' said Legree, with a sneer; 'we'll see. Here Sambo!

Quimbo! give this dog such a breaking in as he won't get over this month.'

"The two gigantic negroes that now laid hold of Tom, with fiendish exultation in their faces, might have formed no unapt personification of powers of darkness. The poor woman screamed with apprehension, and all rose, as by a general impulse, while they dragged him unresisting from the place."

Sambo and Quimbo are two huge black fiends, each savage, sycophantic towards Legree, rivals of each other in his good graces, and abhorring poor Tom, whom some expressions of Legree show to have been designed to become his chief overlooker.

While Tom is lying in an exposed outhouse at midnight, groaning and bleeding alone, the night damp and close, the thick air swarming with myriads of musquitoes, which increased the ceaseless torture of his wounds, whilst a burning thirst—a torture beyond all others—filled up the uttermost measure of physical anguish—

"Oh, good Lord, *do* look down! Give me the victory—give me the victory over all!" prayed poor Tom, in his anguish, when a footstep is heard behind him—the light of a lantern flashes in his eyes, and he recognises Cassy, come to him like a ministering angel. At length she sits beside him, when he has become somewhat more easy and composed for a while under the soothing applications of his companion; and she mutters a few words, in rejoinder to his feeble but trustful exclamations, of despair and atheism—"There's no God, or he's taken sides against us; all goes against us, heaven and earth! Everything is pushing us into hell! Why shouldn't we go?" In a few scorching words of misery she tells him that she, "a woman delicately bred," has been for four long years in the hell of Legree's presence and power, her whole body and soul, cursing every moment of her life, the slave of his brutal passions; "and now he has got a new one—a young thing, only fifteen! And she's brought her Bible here—*here*, to hell with her!" She adds, that she has witnessed scenes of savage, of mortal cruelty, which "would make any one's hair rise, and teeth chatter to hear—but it is useless resisting. There's not a white person who could testify if you were burned alive!" She lets fall a hint that sweet Emmeline is trying bravely to struggle against her fate—at present!

She gives Tom an outline of her history. She had been the idolised daughter of a lovely slave, and educated in the most expensive manner at a convent; but her father, before he could fulfil his intention of freeing her had died of cholera; and she was *sold* to a man, who concealed from her that he had given two thousand dollars for her. Imagining that she was his free choice, and he handsome, fond, and indulgent, she lived a little while with him as in Paradise, and had two children—a boy, Henry, and a girl, Elise. A cousin of his caught sight of her, and resolved to possess her; succeeded by shameful arts in alienating his affections from her, and then persuading him to sell her, with her two children. He forced her, recoiling from his embraces, to live with him, and sold off her two idolised children. In a moment of frenzy——All she recollects is, that "something snapped in her head—there was a great bowie-knife gleaming on the table. * * * She caught it—flew upon him—all grew dark, and she knew nothing more till she woke, long afterwards, when she found that he had left her to be sold; and, to realise the most from her, had secured to her good attendance. As the fever left her, "they made her get up and dress every day; and gentlemen used to come in, and stand, and smoke their cigars, and look at me, and ask questions, and debate my price! They threatened to whip me, if I were not gayer, and didn't take pains to make myself agreeable." She was ultimately bought by a planter, a Captain Stuart; and the child she had by him, so like her lost Henry! when two weeks old, she kissed, cried over, and—poisoned with laudanum. "I held him close to my heart, while he slept to death!" At length, Captain Stuart dies of fever.

"Everybody died that wanted to live; and I, that wanted to die, *lived*" to be sold, passed from hand to hand, till I grew faded, wrinkled, had a fever—and—this wretch (Legree) bought me, and here I am! * * * In the judgment-day, I will stand up before God a witness against them that have ruined me and my children, body and soul! When I was a girl, I thought I was religious. I used to love God and prayer! Now, I'm a lost soul, pursued by devils that torment me day and night. They keep pushing me on—and—I'll do it too, some of these days!" she said, clenching her hand, while an insane light gleamed in her heavy black eyes.

Legree in his lair resembles a huge tiger. As painted by the author, with graphic force, sitting in his desolate apartment, drowning reflection in brandy-and-water, admitting Sambo and Quimbo to his savage debauches, and in their absence having his fierce bloodhounds for his companions (anything better than being alone), it seems wonderful that any human being could obtain over him any kind of influence, and much less ascendancy; yet Cassy has, in spite of himself, acquired—"the kind of influence which a strong impassioned woman can ever keep on the most brutal man." Of late, however, she had become "more irritable and restless under the hideous yoke of her servitude, and her irritability sometimes burst forth in the ravings of insanity; and this liability made her an object of dread to Legree, who had that superstitious horror of insane persons which is common to coarse and uninstructed minds. When he brought Emmeline to the house, all the smouldering embers of womanly feeling flashed up in the exhausted heart of Cassy, and she took part with the girl."

One night, very late, she was gliding about unknown, and came to the window of the room where he was wildly carousing with the twin-fiends, Sambo and Quimbo. "She rested her small slender hand on the window behind, and looked fixedly at them, a world of anguish, scorn, and fierce bitterness in her black eyes," as she saw them "singing, whooping, upsetting chairs, and making all manner of ludicrous and horrid grimaces at each other. '*Would it be a sin to rid the world of such a wretch?*' said she to herself." Many subsequent scenes in his career, passing before us, must more and more have inclined Cassy to answer the fearful question in the negative; as though it had shaped itself—"Is it any harm to kill a rattlesnake that has located itself near your house?"

"When he first bought her, Cassy was, indeed, a woman delicately bred; and then he crushed her without scruple beneath the hoof of his brutality. But as time and debasing influences, and despair, hardened womanhood within her, and waked the fires of fiercer passions, she had become, in a manner, his mistress; and he alternately tyrannised over, and dreaded her. This influence had become more harassing and decided, since partial insanity had given a strange, weird, unsettled cast to all her language."

In fact, her tormentor was on one occasion much nearer a ghastly climax than he had any idea of; for she had drugged his brandy, left him helpless, the back door unlocked, and then gone silently, at midnight, to Tom, to tell him that the hour of liberty was at hand.

"'I shall have it Misse, in God's time,' said he.

"'Ah, but you may have it to-night!' said Cassy, with a flash of sudden energy. 'Come on!'

"Tom hesitated. 'Come!' she whispered, fixing her black eyes on him. 'He's asleep—sound! an axe is there! I'll show you the way! I'd have done it myself—only my arms are so weak! Come along!'

"'Not for ten thousand worlds, Misse!' said Tom firmly, stopping, and holding her back. * * * He flings himself on the floor, grasping her arms, imploring her for the love of God to abstain. 'We must suffer, and wait the Lord's time!'

"'Wait!' said Cassy. '*Haven't* I waited? till my head is dizzy and my heart sick? What has he made me suffer? What has he made hundreds of poor creatures suffer? Isn't he wringing the life-blood out of you? I'm called on! I'm called on! they call on me! His time's come, and I'll have his heart's blood!'

"'No! no! no!' exclaimed Tom, holding her small hands, which were clasped with spasmodic violence."

The slave triumphed, and saved the life of—his murderer. He suggests to Cassy the attempt to escape, however desperate, "without blood-guiltiness;" and while he is speaking to her, "there flashed through her mind a plan so *simple* and *feasible* in all its details, as to awaken an instant hope." We suspect that our readers will hardly be of her opinion. This was the nature of "the strategem" which had occurred to her. Legree was superstitious; and it is evident that some not recent and barbarous murder of one of his slaves, had largely developed his superstitious fears, and especially with reference to a particular apartment. Cassy, having taken Emmeline into her counsels, resolves to terrify Legree with the idea of this room being haunted, in order that, having a secret access to it, she may, when the proper time arrives, make it her safe and undisturbed retreat. She forthwith commences operations by training Legree's mind into a more and more terrified mood with reference to this apartment, causing all sorts of strange, dismal, unearthly noises to issue from it, ghosts to be seen gliding in white out of it, and so forth. Thus far she succeeds; and having, in the meanwhile, made up two little beds in a huge box in the dreaded room, and provided food, candle-light, and clothes for their journey, she puts her scheme in operation. Late in the evening, she and Emmeline affect to make their escape, contriving to be seen in the act by Legree; on which he gallops homeward—orders out Sambo and Quimbo, and a posse of other willing myrmidons, and also the bloodhounds, and away they start on their cruel and perhaps bloody errand. In the meantime, the supposed fugitives have returned home unobserved, and taken up their abode in the haunted chamber. There they listen to the hunting-party, men, horses, dogs, returning wearied and disappointed. The next day the search is renewed, with the like ill success; and, after a day or two's seclusion in their hiding-place, near which ghosts are seen to glide, and from which unearthly noises issue, the adventurous pair start on their perilous journey, Cassy disguised as a creole Spanish lady, dressed entirely in black, and Emmeline as her servant. She found no difficulty in assuming and sustaining the character. "Brought up from early life in the highest society, her language, air, and movements were all in accordance with it; and she had still sufficient left of her once splendid wardrobe and sets of jewels, to enable her to complete her personation. A small black bonnet on her head, covered by a veil thick with embroidery, concealed her face." It was near sunrise when the two terrified and breathless travellers paused, for a moment, in a little knot of trees near the town. Having purchased a trunk in the outskirts, she requested the seller to send it with her; and thus, escorted by a boy wheeling her trunk, and Emmeline behind her carrying her carpet-bag and sundry bundles, she made her appearance at a small tavern, like a lady of consideration, and there encountered George Shelby, who, with herself, was awaiting the arrival of the boat. He handed her courteously to it, and provided her with a good state-room; but Cassy found it expedient, on the plea of indisposition, to keep her room, and her bed, sedulously attended, it may be imagined, by her maid Emmeline, during the whole time they were on the Red River. Arrived at the Mississippi, they entered the good steamboat *Cincinnati*. How she disclosed herself to George Shelby, and became acquainted with Madame de Thoux; how the latter proved to be Emily, the long-lost sister of George Harris, and Cassy the mother of George's wife—somewhat compendious work, it must be owned—has been seen. It was, in truth, as the author seems to have suspected, *rather* "a singular coincidence in their fortunes." In due time they find their way to Montreal, where George and Eliza had established themselves in a neat tenement in the outskirts of the town, very happy and contented, he having found constant occupation in the shop of a worthy machinist. Cassy is now ending her days happily, "a devout and tender Christian." Emmeline continued with them; and, on her passage to France, her beauty captivated the first mate of the vessel, and, shortly after entering the port, she became his wife. Before, however, this happy result has been effected, has occurred the crowning act of the tragedy—the martyrdom of poor Tom; who, being suspected by Legree of knowing of their escape, will not deny that he was privy to it, but will afford him no information. On this, Legree, mortally infuriated, tells him that he "means to kill him"—"I've made up my mind to kill you."

"It's very likely, Mas'r!" said Tom, calmly.

We shall spare our readers the frightful scene, as one of simple butchery. One might as well describe, in detail, the slaughter of an ox by the slaughterer and his two assistants. He is felled to the ground by a blow of Legree, and Sambo and Quimbo flog him to death. These two grim instruments of their master's murderous vengeance are filled with sudden remorse, when they shortly after revisit their victim, and hear from him words of resignation and forgiveness. They ask him, "Who is *Jesus*, anyhow?" and on Tom, in a heavenly spirit, telling them, they ask *Him* for mercy.

"Poor critturs!" said Tom, "I'd be willing to bar all I have, if it'll only bring you to Christ! O Lord! *give me these two more souls, I pray!*" To very many of our readers, these expressions will appear somewhat forced and peculiar; whilst others may recognise in them language with which poor Tom had become familiar in those scenes of religious exercise to which, we are told, he had been accustomed for four years before his introduction to the reader. "Tom," said Mr Shelby to Haley, "is a good, steady, sensible, pious fellow. He got religion at a camp meeting, four years ago; and I believe he really did get it. I have trusted him, since then, with everything I have: money, house, horses—and let him come and go round the country; and I always found him true and square in everything." If such results follow "camp meetings," they might be advantageously tried, and on a large scale, too, in this country. Some little time afterwards occurs the interview between dying Tom and young Mr Shelby, who had come to ransom him.

"'Who—who—who shall separate us from the love of Christ?' he said, in a voice that contended with mortal weakness; and with a smile he fell asleep."

Regarded merely as a stroke of art, this closing scene may be contemplated with qualified feelings; but we shall offer no strictures upon what has evidently been conceived in a high religious, a nobly human spirit, and executed with no little power. Viewed in this light,—and it ought to be viewed in no other, by a critic who has seized the scope and entered into the spirit of his author,—objections to the development of Uncle Tom's character melt away. He is not drawn to meet the views, or satisfy the exacting spirit of mere worldly persons, sickly novel-readers, or conceited supercilious critics. No, Tom is conceived in a lofty spirit, and adorned with all the meekness, the gentleness, the long-suffering, which can be drawn from the inexhaustible sources of our holy religion alone; he is set sublimely on a pinnacle to attract towards his oppressed race, represented by his crushed and bleeding form, the pitying eye of Christendom—to awaken, to encourage, to warn. "Suffering is," indeed, "the badge of all their tribe;" and Europe has felt it to be so more strongly and directly, since the publication of this work, than it ever felt before. In the soft, glorious sunlight of Christian sympathy, the blackness of our poor brother's skin—his skin torn with the incessant lash—disappears. Uncle Tom is actuated by religious principles which will not admit of his speaking or doing otherwise than he is represented as speaking and doing. His condition was that of a slave; it was a very hard one often, but had not always been such; and he was on the eve of escaping from it by lawful means, more than once, but the will of Providence had decreed otherwise. The sudden death of St Clare was permitted to consign unoffending Tom to the hideous Legree. But is not such an occurrence frequent in God's ordinary all-wise, but inscrutable direction of human affairs? Presented to us under the conditions dictated by the objects and purposes of Mrs Stowe, how could she, without outraging propriety and defeating her whole, her only, and righteous purpose, have represented him, for instance, organising a revolt against the oppressor, in the course of which he and his maddened fellow-sufferers would have imbrued their hands in the blood of Legree? With Mrs Stowe's proved powers of description, and her mastery over the feelings, she could have brought before our eyes characters, scenes, and actions which only St Domingo could have paralleled! Instead, however, of playing the part of a mad incendiary, she has calmly and magnanimously addressed herself to the tribunal of public opinion, to the sense of justice, and of religion, by which all civilised mankind profess to be guided. She solemnly appeals to "the whole American Church, of all denominations, unitedly to seek the entire abolition of slavery throughout America and throughout Christendom." To "every individual Christian, who wishes to do something for the abolition of slavery," she says—"Begin by doing what lies in your power for the coloured people in your vicinity. * * * The contest is to be carried on 'with love unfeigned'—through every degree of opposition and persecution, a divine unprovokable spirit of love, which must finally conquer. * * * We must love both the slaveholder and the slave, never forgetting that both are our brethren. * * * We must use, as means, an earnest application of all straight-forward, honourable, and just measures, for the removal of the system of slavery. Every man in his place should remonstrate against it. All its sophistical arguments should be answered, its biblical defences unmasked, by correct reasoning and interpretation. Every mother should teach the evil of it to her children; every clergyman should fully and continually warn his church against any complicity with such a sin." *These* are the weapons, not carnal, but of holy temper, with which Mrs Stowe would enter upon this warfare; and who shall rebuke her, and say her nay? Not *we*. We say to her, with a tender recollection that it is a WOMAN of whom we are writing, All hail, thou impersonation of Christian love and purity! Thou very genius of philanthropy! Verily thou wilt *have thy reward*. Not merely in the praises of men, though *they* have been accorded already with an almost unanimous and universal assent; but in the reflections of a chastened and subdued —a warm, a loving, and devout spirit.

Taken as a *literary* whole, *Uncle Tom's Cabin* is a work standing before the critical eye in large proportions, but somewhat irregularly and inartificially disposed; exhibiting, here and there, minor and easily removable marks of haste, and inexperienced workmanship. It would have been easy to contrive incidents, and that without deranging her general scheme, which would have kept curiosity on the stretch from first to last, and secured a sort of poetical justice which might have satisfied the minds of many of her readers;—by dealing, for instance, with Marie St Clare, a beautiful but venomous little reptile, and the huge speckled monster Legree, in a spirit of retribution, making their own acts entail upon them condign and appropriate punishment; but how could that have aided the declared moral purpose of the writer? She has done well, on the contrary, in representing a Haley, a Legree, a Marie St Clare, as still—*cumbering the ground*, as so many of the centres of innumerable circles of despotic barbarity.

The main defect of the construction of her work as a "story," for such she terms it, is, its want of connectedness. The reader is hurried incessantly from side to side of the dividing line between the fortunes of Uncle Tom, and those of George and Eliza Harris, with the episodical incidents depending on them; coming to each with sympathies attuned to the other; which, again, as soon as they have begun to be attracted to the new object, are suddenly dissociated, to address themselves to the one which they had but recently quitted so abruptly.

With all its defects, however, this book is an instrument worthy of contributing, in its way, to effect a grand purpose, to attack and subvert A SYSTEM: the only condition, in this view, being, that it is founded, not upon exaggeration and misrepresentation, but upon TRUTH. The moment that the work had attracted universal notice, it was obvious that it must challenge attention to the point of—TRUE or FALSE in its representations of the condition of American slavery. Mrs Stowe has cheerfully accepted the challenge thrown out to her, accepted it in a calm and temperate spirit, and with the resolute confidence of one believing herself right. She formally consents to have her book tried by the test proposed, always protesting that she has painted slavery as it is—has done ample justice to large portions of humane Southern slaveholders; but insisting that that is no answer to her case, which is, that the SYSTEM is one altogether opposed to the spirit of Christianity, and subversive of the rights, and destructive of the best interests of man. It is one, she would say, that tends to stamp out, in every newly-born slave, the noble image of his Maker, to depress him beneath the level of humanity; and it is no answer to this to assert, as is asserted by one of the keenest and sternest of her opponents, that "the peculiar falsity of the book consists in making exceptional or impossible cases the representatives of the system." *

To establish her great principle, on the one hand, and to controvert by evidence, on the other, the charge in point of fact, of having made the exception the rule, she has published what she calls *A Key to Uncle Tom's Cabin*, which is, in fact, simply a series of *Proofs and*

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* See the *New York Enquirer*, Nov. 5, 1852. *Key*, 97.

Illustrations of the truth of her representations. We have examined this Key to the Cabin with some attention, and are of opinion that its alleged facts are such as must be answered; or those whose accusations provoked its publication, will have succeeded in only placing a professed fiction upon the solid basis of fact. No one who reads this Key will tolerate being simply told, that *Uncle Tom's Cabin* is founded on falsehood. She quotes, evidently, and even avowedly, under the guidance of gentlemen of adequate experience and knowledge of the subject, from the authentic records of judicial decision, dealing with cases so appalling as, for a moment, even to make one think Legree painted in colours less dark than he might have been; and also exhibits a vast mass of documents which cannot be disposed of, but by counterproof. We, of course, can deal with such statements but as we find them; knowing that they derive their value from the trustworthiness of a conscientious writer, *conclusively confirmed by the absence of substantial disproof.* This volume, in a word, we commend to the serious consideration of every reflecting European and American reader of *Uncle Tom's Cabin.*

It were idle to class among these latter those who read simply to indulge a spurious whimpering sentimentality, or to have a morbid curiosity stimulated and inflamed by novel scenes of suffering and horror. But the Christian statesman, the enlightened politician, in either hemisphere, is bound, we think, to deal with the existence of this book, and the extensive effects produced by it, as a signal FACT. Great as are its literary merits, they are by no means sufficient, of themselves, to account for the universal attention which it has excited. It is because, to descend to a homely illustration, this book has acted like the sudden flash of the policeman's lantern on a scene of secret midnight crime: it has painted in such vivid colours a condition of humanity hidden from European observation, as has attracted and fixed upon it the startled eyes of thinking Europe,—of a FREE Christian people. In vain is it to hang beside it hasty recriminatory daubs of countervailing white slavery, or of the charms of slavery, as exhibited by a *quasi* paradisaical state, where such monsters as Legree, Mrs St Clare, Haley, Marks, and Tom Loker, exist not. All such attempts have already proved, as might have been anticipated, ridiculous failures, as far as they had been designed to stultify and falsify *Uncle Tom's Cabin*, and divert from it the stern eye of public morality. How to deal with slavery, is a tremendous problem for enlightened Christian statesmanship. It cannot tolerate the meddling of an unfortunate, impulsive, unreasoning, unreflecting, however ardent and generous, so-called humanity. True humanity, in this instance, consists in a sincere, comprehensive, deliberate, and resolute effort to rouse the PUBLIC OPINION of America—of a great and enlightened nation on behalf of its slave population; and we believe that that public opinion will ere long find, with more embarrassment and danger the longer the discovery takes to be made, that slavery is an ulcer, a foul spreading ulcer, eating its way, perilously, to the very vitals of the body politic.

Will slavery—American slavery—will slavery at all—be in existence on the earth, a century hence? It is a vast question, and we will not presume to answer it. Perhaps our imaginary brother of the twentieth century may read what is here being written by his brother of the nineteenth, and applaud our caution. Slavery *may* then have become a thing of the past; or, in the fortunes of the world, in the mysterious, sublime, and even then unaccomplished destiny of the human race, that institution may still have its monstrous strangling coils encircling large and helpless sections of the family of man.

But if our shadowy brother of 1953 come to any other conclusions than are favourable to the intelligence of us of 1853, in respect of our reception of *Uncle Tom's Cabin*, as Maga will doubtless be then in flourishing existence, we look to our lineal successors, in our seat of critical justice, to take up the cudgels for us, and vindicate our opinions, and cautious vaticinations. And, in the mean time, Harriet Beecher Stowe, be it known a century hence, that though by no means blind to your little literary shortcomings, we are ashamed of neither yourself, nor our reception of your book; that one not of the least important names of the present century is your own, already, and though you should never write another book. We doubt, indeed, whether you ever will do so: whether, at least, it will, or can be, a great book; for this one embodies your life-long experiences, heart-yearnings, and long-cherished thoughts. Your whole soul is wrapped up in its single noble purpose; so, *Sis fœmina Unius Libri.*

CALAIS:

MY ADVENTURES, PLEASURES, AND EMBARRASSMENTS—THITHER, THERE, AND BACK.*

LONDON, *September* 1837.

DEAR ——,—Conceiving that at that particular time of the year, and juncture of public affairs, London would not miss me for a fortnight or so, I slipped quietly away to Dover with my wife and little son, and his attendant, on the 10th of August last. On the ensuing Sunday afternoon, about two o'clock, you might have seen me perched upon the summit of Shakspeare's Cliff, gazing from that silent, celebrated eminence, through the clear air, at the outline of the French coast, dim in the distance. Never had I seen it before, and many things did the sight of it suggest to a thorough Englishman. Upwards of thirty years had I lived in the world, without having seen more of it—I am almost ashamed to write it down—than England, Wales, and Scotland. Never had I been so near France—and shall I lose this opportunity, thought I, as I discerned the Calais packet like a little hissing tea-kettle making its way for Dover, of placing my foot upon Monsieur's territory—and that, too, at ancient Calais, *once ours;* of hearing foreign people speaking a foreign language in a foreign place—even if it be for but a day—of seeing, in short, how they carry on the war?—Hem!—To Calais will I verily go on the morrow by the eight o'clock boat, if I am alive and well,—nay, peradventure my wife would choose to accompany me; and if she do, I am sure my little son shall not be left behind—and then his maid must go—whew! here was a regular *affair* upon my hands all at once! *Diis sic visum.* Then arose before my mind's eye the usual train of *desagrémens*—searching, and registering, and so forth:—but my mind was made up, and could not easily be turned from this great enterprise.

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* *Blackwood's Magazine,* 1837.

Monday the 14th August opened calmly and beautifully. The sea seemed smooth as a polished mirror—a sight that not a little comforted me on account of my companions, as we passed along the shingly shore a little after seven o'clock, on our way to the harbour, where, lo! *two* steamers were making sputtering and smoking preparations for starting—one an English boat, the other the French mail-packet.

"Sare," said in a low tone the captain or steward of the latter, stepping up to us as we approached—"if you shall go wit me—bien!—we shall take you for five shilling—de oter sharge you ten shilling—and, certainement! —we shall be dere one half hour first—Sare! we carry de maille!" he added, with an important air.

"No—I—I think," said I, hesitating—"I think I"——

"Beautiful boat, sare! mi ladi, *ver* fine boat"——

We passed on to make inquiries into the real state of the question as to fares; and I soon found that the Frenchman had taken the great liberty to tell me a greater lie; for the English boat charged only five shillings instead of ten shillings; and her captain seemed such a hearty thorough-going Englishman, that forthwith we stepped down the accommodation-ladder—and were soon on our way, having the start of the Frenchman, who did not follow for several minutes. At length we beheld Monsieur coming out of the harbour; and I began to feel a little curious to see which was the better sailer—union-jack, or tri-colour.

"Which is the quicker boat?" I asked of the captain, as we both stood looking over the stern at our companion.

"Why—much about the same; perhaps—if there *is* any difference, why, sometimes one has it, and sometimes the other, you see!"

"Which will get to Calais first to-day, d'ye think?"

"Why, *we* shall—not a doubt of it. Monsieur won't fetch up *this* start, anyhow—let him puff and blow as hard as he likes!"

"His is a very good-looking boat, eh?"

"Ay, ay,—no doubt; all outside, though—like all the French! Our inside and engines are five times the strength of his. His boat is just fit for this sort of thing; but I'd go round the world in mine, blow me if I wouldn't!"

For about twelve miles the two boats preserved the same relative distance; and I felt a kind of school-boy's interest in standing and watching our competitor—whom, by and by, I regretted to see certainly beginning to gain upon us. By the time that we were about two-thirds on our way, the fellow had positively got up to us.

"Ah, captain — 'tis no use; we're overmatched; I'm afraid the tri-colour is rather too much for the union-jack"——

"Tri-colour a match for the union-jack! Excuse me, but she *ain't*—and none knows it better than she, or she's had a mighty lot of licking without learning her lesson!" he added, with a disdainful air.

"But still I'm afraid that on *this* occasion"——

"If she does get in first, it's because *we* don't try it on with her. I don't care a button which gets into harbour first. What does it signify? I never took the trouble to race with her!"

This might be; but shortly afterwards he sauntered apparently carelessly forwards, and in passing evidently whispered something to the engineman below—and we certainly a little increased our speed. By and by I observed the captain looking occasionally with affected indifference at his rival—somewhat stimulated, nevertheless, by the interest his passengers appeared to take in what looked uncommonly like a race between the two boats. But 'twas of no use—Monsieur gradually passed us! His triumph, however, was of short duration; for as soon as ever the mist, which had come over us suddenly, completely hiding the French coast from sight, began to clear away, lo! Monsieur was seen to have run himself a-ground, having mistaken his course in the mist, and, it might be in the eagerness of the race, omitted to sound as he went on; through the which negligence we also were within a hair's-breadth of incurring the like mishap!—but a vigorous effort—the helm ported—the lead in the water every half minute, got us out of our danger—and we left our friend to enjoy his novel and interesting position at his leisure. So that, after all, we got first into harbour, our captain carelessly hinting something about superior seamanship.

The mist melted away suddenly—and then we found ourselves making direct for Calais harbour, running along, at about a quarter of a mile's distance, a low sandy shore, with no signs of human existence. Calais lies low and far in; it has rather a pretty appearance from the sea. The pier, which is narrow, and of wood, comes out about a mile, making an excellent entrance to the harbour. There were two or three well-dressed men standing at its extremity, one of whom shot a gull as we passed, which fell into the water within a few feet of me.

After paying our fare to the steward (£1 for all of us), I obtained from him a little French silver—some five-franc pieces, francs, and half-francs, as ammunition with which to open the campaign.

"May I ask, sir, where you're going to put up at Calais," said he, "as you've never been in France before?"

"Ah, by the way, that *is* a question. Why, really, what would you advise me to do? I've made no arrangements whatever! What hotel?"

"Why, sir, there are plenty of hotels; there's the Hotel Bourbon, and Dessein's, and Meurice's, and Quilliacq's, and Roberts' English Hotel—all good ones."

"I should prefer a French one, as I want to see as much of the French style of doing things as I can in a few hours."

"Then Quilliacq's is a very genteel, comfortable family hotel, sir—quite first-rate;" and upon it I decided. "And now, sir, you'll see a great hubbub when we land," he continued. "I suppose, in course, you speak French?"

"Why—not, perhaps, exactly—that is, not *fluently*, you understand—hem!"

"Well, well, sir, it don't much signify, for they, most of them, speak English—but see, we're coming-to. What luggage have you on board, sir?"

"Only that carpet-bag—I brought as little as possible."

"That's right, sir. You must leave it on deck, sir, and the Commissioner will fetch it for you in about an hour's time. When you're going ashore, and a lot of people are shouting out and jabbering to you, only call out, '*Quilliacq!*' and you'll not be troubled any more. You'll see a man in a blue smock, who'll come and lead you away—he is M. Quilliacq's servant."

By this time we had got alongside; an accommodation-ladder was thrust down; forthwith a military-looking personage with a brisk, important air, leaped upon deck, spoke rapidly in French to the Captain, and remained at the foot of the ladder as we ascended. Sure enough we did encounter a strange clamour—not a word could I understand; so, following the steward's advice, I called out, with an imperative air, "Quilliacq!" It was just as he had said. A man in a blouse came instantly forward, touched his hat, exclaiming in French, "I am from M. Quilliacq, sir—follow, if you please!" and in a twinkling we all stood upon French ground. Following our guide, and flanked by a personage in military costume,—a glazed, sugar-loaf shaped black cap, green dress, with a belt and small sword—who kept his eye constantly upon us, we marched—I, my wife, child, and servant, to the passport-office, about thirty yards' distance from the spot on which we had landed. I fancied myself under arrest, as, in point of fact, we were for the time being. Into the "bureau" we entered forthwith, and were arranged before three gentlemen with great books open before them.

"Votre nom et designation?"

I gave my Christian and surname, which he wrote down.

"Quel age avez vous?"

I told him—down it went.

"Votre profession, Monsieur?"

"Avocat!" quoth I, and he noted it down with rather a more courteous air than he had before exhibited.

"Votre femme," pointing to them severally, "enfant, domestique, Monsieur?"

"Oui, oui!"

"Sare, your passport, if you plizz!" I told him that we neither had nor required one; on which he bowed politely, motioned us to the door, and we sallied forth, once more at our liberty, attended only by M. Quilliacq's emissary, who walked before us in silence. It was now about eleven o'clock, and the day was bright and cheering. I felt in a most buoyant and exhilarated mood. I was in an entirely new scene—nothing English or English-like about us. The curious antique entrance-gate, celebrated by Hogarth—the appearance of the houses—the narrow streets with no flags—the strange aspect of the shops, with inscriptions and sign-boards all in French—the rapid unintelligible pronunciation of the same language on all sides of us—the women, without any bonnets, but all in snowy prim-looking caps, and little blue cloaks; then a swarthy little soldier of the line, in green jacket and red trowsers. Yes, here we were in Calais—old Calais; it sounded big, but we were unquestionably now in a foreign country (!), and standing upon ground *the close, soil, and freehold whereof*, were once ours! And it was just as I had been remarking the rolls of bread a yard long, or so, in a baker's shop, that it occurred to me, for the first time, to inquire into the state of our financial affairs. Certainly I had managed them with signal prudence; for £3, 10s. was positively all that we had about us. We were in consternation.

We neither of us could guess on what scale our expenses were likely to be; and I felt rather flustered as we were ushered into the large old-fashioned "Hotel Quilliacq," where we were instantly attended by Monsieur and Madame, and one or two of their household. We were shown at once into a suite of apartments on such an extensive and handsome scale as made me instinctively thrust my hand into my pocket, to ascertain that even my very little store was safe. Moved by what I was there reminded of, I contrived to find some objection (!) to the rooms that were being exhibited to us, and we were shown up to others, certainly somewhat inferior, but still exceedingly comfortable, and rather elegantly furnished—a sitting-room and two bed-rooms, *en suite.* These we chose.

"Madame ne desire-t-elle rien?" inquired the waiter, obsequiously, as we sate down. We caused him to understand, that as we had just come off the sea, a little cogniac, some water, and a few biscuits would satisfy our present necessities. "And vat vill you dine, sare—and when vill you have, sare?" he inquired—for, observing me incapable of addressing him at all events with fluent eloquence (!) in his own language, he began to murder mine. But I was delighted, and inquired, "What have you?" He presently produced a bill of fare, and, after due consideration, we determined on having, first, a sole, with a very fine long name; secondly, a fricandeau; thirdly, a roast fowl; fourthly, a sweet omelette; a pint of vin ordinaire (*i. e.*, weak red ink), and a bottle of Champagne—Sillery—all to be ready by five o'clock. Thus charged, he withdrew; and I took the opportunity again to count my store, and curse my folly. There it was—£3, 10s. 6d.—but we intended to return at eight on the ensuing morning; yet there was the fare back to pay out of it, which would leave us about £2, 7s. to meet all contingencies! It *might* be enough; but how did we know the rate at which we should be charged—the imposition that might be attempted?

"What is to be *done?*" inquired my wife, with calm despair.

"Why," I replied, after a puzzled pause, "do you think we could ascertain *beforehand* what they charge for the rooms and dinner?"

"Nonsense! nonsense! It would be beggarly to a degree."

"Well, then, why not tell them our real situation—the oversight I have committed?"

"Poh! They would think us—impostors! especially, by the way, when they see the immense quantity of luggage we have brought—a carpet-bag not half filled!"

Certainly that was a clincher; but nevertheless, after looking for a few moments in my wife's anxious face, I could not help bursting out a-laughing.

"Indeed, it's no laughing matter, I can tell you."

At that moment, after a tap at the door, entered the Commissionaire, a gentlemanly-looking person, who, with a polite bow, came up to me, and said, "Sare, if you plizz, your key."

"Eh! *my key!* Pardonnez—my key? Why? What key?" I inquired, infinitely surprised.

"Oh, sare," he replied, smiling, "it is the key of your baggage, at the bureau—to be search"——

"Oh—bien! I understand," I answered, much relieved—surrendered the key, and he withdrew. To return to my money, or rather *my want* of money. I would at that moment have paid fifty per cent. interest for the loan of a £5 note till that time on the next day. Suddenly it occurred to me, that if I could find out the Captain of the steam-boat he might be inclined to assist me in this—to me not laughable—emergency; for though he had never seen me till that morning, I could take him, immediately on my return to Dover, to my lodgings, and repay him with interest whatever sum he might choose to advance us. Forth I sallied on that errand, and after some difficulty found my way to the steam-boat, on which, however, there was only an old man scouring the deck; and he informed me that he knew neither where the Captain was, nor when he would return. That was gratifying!

I had nothing for it but to return to the hotel, and trust that something would turn up in our favour. Let the worse come of it—'twas but stopping at Calais till I could receive a remittance from London; for though we had sufficient funds at Dover, they were accessible to none but ourselves; but then, again, there were reasons why I did not think it prudent to delay even for a few hours unnecessarily our return to England. Thus situated, however, I began to feel as if I had no right to be at Calais! as if I could not pay my way!! How infinitely vexatious!—the first time I had ever been *on the continent* (!)—with so many novel and interesting objects and feelings without and within—so much to observe—to see, hear, and think of; at CALAIS—old Calais, so fraught with historic recollections and associations to an Englishman, moreover, with only a few hours at his command, and to be thus crippled in the sinews of war—but, positively, there is my redoubtable *ναύκληρος!* Welcome, thou bluff Englishman, in this quaint strange land!

"Ah, Captain, how d'ye do again?" I exclaimed approaching him, as he stepped out of a dusky café.

"Well, sir, what d'ye think of Calais? Rum town, an't it, sir?"

"Very—very! But—a—a—Captain," I added, lowering my voice, "do you know I've been down to the steam-boat on purpose to see you; I'm very unpleasantly situa"——

"Eh, sir? what? In trouble already, sir? why, what's the matter, sir?"

"Simply this—I'm almost ashamed to tell you, Captain—but I was fool enough not to bring sufficient money with me." He burst out a-laughing.

"Lord, sir, is *that* all? Never you mind, sir; I'll take care of you, never fear it! I'll be —— if a fellow-countryman shall get into trouble out of old England for the want of a pound or two—what d'ye want, sir? I've plenty!"

I brought forward my budget in no time—would our Chancellor of the Exchequer were equally prompt, simple, and faithful!

"Oh Lord, sir, you needn't fear, you'll have quite enough—how *can* you spend what you have betwixt this and eight o'clock to-morrow morning, unless, to be sure, you're a-going to live like a Lord, and buy jim-cracks and that sort of thing? It can't be, nohow. But hows'ever—whatever you're short of, I'll let you have—with pleasure! I'll be with you in the morning a quarter before eight—at Quilliacq's—and set you all smooth and straight, if you want it—depend on't, sir!"

"Thank you, Captain! I'll remember your kindness—that you shall find. Whatever you lend me, you can be repaid within ten minutes of our landing at Dover. I have —— Cottage, and you can go or send a man with me."

"Pshaw, sir, I an't afraid to trust a gentleman. Hillo, my hearty," addressing a man who approached, "how are you all?" and hastily taking leave of me, we went different ways. I felt "myself again." With a loud "hem," I looked every one I met in the face, and with a sort of an *air*, scrutinized all the shops. I re-entered Quilliacq's with far more confidence than I had originally entered it. It was a large hotel with an immense number of windows, each having heavy shutters, painted a faded green colour. It stood between two small and rather inferior streets, into both of which it had an entrance—but not such an entrance as such an hotel would have had in England. You would have thought yourself going by the back-door into a kind of wharf or warehouse-yard. On entering, you found yourself in a kind of square, each side of which consisted of the hotel offices.

Having taken a little "cogniac" and water, and a biscuit, we issued forth to explore the town. The Commissionaire, whom we met at the door, advised us to go first to the church; and he politely mystified us, in very broken English, with directions to go first to the right—then to the left—then again to the right, and so forth, till, lo!—l'église!

At length, however, we reached it. Its exterior has nothing worth notice, or unlike a similar structure in England. Men and women were busily scouring one side of the church; while, at the upper extremity, on plain rush-bottomed chairs, were a number of men and women—principally the latter, and of the inferior sort—kneeling, their hands with prayer-books resting on the backs of the chairs, their faces directed towards the altar and the shrines of particular saints—in silent prayer. A tall feeble old man, in a cocked hat and long thread-bare blue greatcoat, over which was thrown a belt, with a sword, and with a walking-stick, approached us soon after our entrance, and began, in a low tone, to point out to us the various objects—shrines, images, pictures, &c. Before the first shrine was a small triangular table, with a number of spikes, on which were stuck wax candles, of different sizes, burning—some burnt out—and which, I found, were offerings to the grim-looking saint before whom they were placed. God forbid, however, that I should feel disposed to turn any one's religious observances into ridicule, especially where one's curiosity had been so civilly and freely gratified. As we passed one quarter of the church, we saw a fat woman quitting the confessional, the priest, tall and stately, presently following her, in canonicals. He passed us with a solemn air, and on reaching the front of the high altar, opposite which was placed a chair, he deliberately kneeled on it for a moment or two, looked earnestly at the figure of the Virgin, crossed himself, and withdrew.

We then bent our steps towards the Ramparts, and a very pleasant promenade they afforded. They are a kind of slope, containing three parallel walks of nearly a mile in length, each about three feet higher than the other, and separated by garden hedges, with numerous plots of flowers, and benches. They commanded an extensive view of the sea and surrounding country, which, however, was rather flat and uninteresting. After remaining there a short time, we returned to the hotel; and foreseeing that the time would hang rather heavily on our hands—as there is really scarcely any thing at Calais to feed the curiosity of professed sight-seers—we ordered dinner to be ready at four, instead of five o'clock. This done, we walked to the harbour, where we passed garrulous groups of fish-women, all in spruce white caps, and with long heavy gold, or gold-looking, ear-rings, and presently beheld a knot of French sailors quarrelling with those on board of a Dutch vessel. Such a strange nasal and guttural hubbub! We then walked along the pier, which is of wood, and very narrow. As we sauntered along it, enjoying the brisk sea-breeze, we were rather surprised to see about twenty boys and men bathing, and swimming to and fro, but of course wearing drawers, directly in sight of every one that passed along the pier. On reaching the extremity of it, we found about a dozen people sitting round it. Soon after I had taken a vacant place, a stupendous German—as he proved to be—well dressed, opened his closed eyes upon me with a drowsy air, and then slightly leaning against me (!) with a sort of stupid nonchalance, crossed his hands over his corpulent paunch, and presently began to snore aloud! I looked at my wife in wonder. A young and elegant French girl, who had watched the performance of the

German, looked at us, and burst out a-laughing, in which I heartily joined, and shifted my position. The man-mountain, meantime, seemed surprised that his support was gone, but soon closed his sluggish eyes again, and fell a-snoring. Immediately opposite sat an elderly gentleman, evidently suffering from gout—his feet in large list shoes—his countenance wearing a languid and not over-good-natured expression. Before he had opened his lips, I felt certain that he was a fellow-countryman; and I was not mistaken, for he presently exclaimed to a gentleman near him,—"Well! the Whigs have caught it prettily in the counties—eh? Ah! you don't half like it, I see. Ha, ha, ha!" with a grim leer. He soon satisfied me that he was an arrant Tory; and being myself somewhat that way inclined, I contrived to get into conversation with him, and told him all the latest election news, at which he was greatly delighted. We agreed in every topic we touched upon. Before I left, he had got into a great debate with a fierce, raffish-looking semi-militaire—a Frenchman—concerning the relative advantages of republicanism and monarchy, which latter the Frenchman, with an excited air, pronounced to be utterly unsuited for the genius of the French, as I gathered from the Englishman's answer, and from my wife, who was, as usual, my interpreter. On returning to our hotel, just as we entered the street in which it was, my wife's foot unfortunately dislodged a stone, and her stocking was instantly covered with muddy water. Here was a dilemma! These were the only stockings she had brought with her; and, low as were our funds, it was evidently necessary that I should get her another pair. I was forthwith despatched upon that errand. After peering about for a suitable shop, I found one in the market square. A prettyish girl, about eighteen or twenty, sat behind the counter sewing. Imagine my awkwardness, for I did not know the French for stocking.

"Mademoiselle," I commenced, calmly enough,—"S'il vous plait—je besoin—humph!—a pair of—of—voila!" poking with my stick at a pair of stockings that hung in the window. She took them down, and said something that I could not understand.

"Oui—oui," I replied, at a venture,—"petite! pour une dame, ma femme!"

"Je vous remerciez, Monsieur, je comprends bien;" and she forthwith opened several packets containing ladies' stockings, silk, cotton, plain, and worked.

"How much?" I inquired, pointing at once to my purse, and a pair of silk stockings.

"Neuf francs, Monsieur!" I could only grin, for I did not know what she said. Spreading some silver on the counter, I motioned her to count out the requisite sum—to my alarm, seven shillings and sixpence! I shook my head. She smiled good-naturedly, and got me a pair of common cotton stockings, counting out, at the same time, two shillings. But that was as much under the mark. I foresaw that my wife would never have put on such coarse things. Again I shook my head and put aside the articles.

"Ah!" she exclaimed, good-naturedly, "Vous êtes Anglais? Sare, I speak non ver bad Anglais. Vil you avez, Monsieur, some scoshtrid?"

"Eh, ma fille! *ecoshtrid*, what is that?"——

"Scoshtrid, voila!" unfolding another packet.

"Ah, bien!" I sighed, adding, in despair, "Ma fille, je suis, à l'hotel Quilliacq. Will you come avec moi, and la dame will choose pour herself?"

"S'il vous plait, Monsieur," she replied, after a little hesitation; and beckoning to an old woman to come from within and take her place, she threw a very shabby old green cloak over her shoulders, put her packages of stockings under her arm, and whether I would or not, though I once or twice quickened my pace to throw her into the rear, walked cheek by jowl with me all the way to my hotel, endeavouring, at the same time, to converse with me. She skipped nimbly up stairs after me, and in a twinkling had her merchandises spread before my wife, who soon selected a pair of the mysterious "scoshtred,"—*i.e.*, Scotch-thread stockings,—and so repaired her disaster. As she was tired, she lay down on the sofa, and I went out again to look about me. I sauntered through every street in Calais. What a blessing is speech to man! How often did I long to chat with the good-natured looking people I met; but, alas! *vox faucibus hæsit*, indeed. Watching my opportunity when no observers were near, I stopped at an open window, where a tidy, cheerful old woman was sitting selling fruit, and meditated attempting to enter into something like conversation with her. But 'twas in vain, and with a silly smile I stole off ridiculously. Almost every third or fourth shop bore the inscription, "M. D. Epicerie;" and after great consideration, I satisfied myself that it meant dealer (Marchand) in groceries,—a title, however, which was frequently not in the least warranted by the appearance or contents of the shop. The better translation of the latter word would be, "Things in general." But of all the extraordinary sounds it has ever been my fate to hear from men or animals, save me from the cry of the French fishwomen! While I was quietly endeavouring to comprehend the meaning of some placards stuck on the wall, I almost started off my feet, for there burst upon me, from a woman close at my elbow, in a blue dress, with cap, ear-rings, and a great basket on her shoulders, such a shrill scream as I fancied could have issued only from a mad macaw. Positively, I followed the eloquent speaker down a couple of streets, to note her astounding cries. Addison, in one of his *Spectators*, has some humorous observations on some English street-cries; but what I heard must have utterly stunned that sensitive and delicate personage!

After strolling about for some quarter of an hour longer, I observed, opposite a house in the Rue ——, a little crowd. I went up and beheld a dozen people, chiefly old women, sitting demurely round a large dresser, or table, by the open window of a house, surrounded by about fifty or sixty bystanders. A man sat at the head of it, with a book open before him and pen and ink, exclaiming, in a quiet low tone, what I presently made out to be, "Trois cents, quatre cents, cinq cents, sept cents, franc, franc et demi," &c. Evidently an auction was going on. Wondering whether it were the sale of a poor tenant's effects for rent, or what it might be,—"S'il vous plait," said I to a decent man beside me, "Qu'est ce que c'est?" he replied, briskly and rapidly. I bowed when he had done, as if I had understood him, but I had not caught one intelligible word. Presently I bethought myself of a word that might produce a short answer. I again bespoke him, —"Pourquoi, Monsieur?" he answered rather sharply, doubtless surprised that I could ask such a question after hearing what he had told me, but this time I caught the words, "Une femme morte!" At length a dispute arose about a crazy kettle that had been put up, and such a hubbub among the women! in the midst of which I walked off, and turning the corner of the street, found myself unexpectedly on the Ramparts again. It was now about half-past three o'clock, the sun shining clearly, and I began to feel rather jaded, and hungry to boot. I determined to walk homeward by the way of the Ramparts. At a little distance I beheld a tall, dark figure slowly approaching me, dressed in clerical costume, a large three-cornered hat, black crape bands with white borders, a long black coat reaching down almost to the ankles, black stockings, and great buckles on the shoes. His hands were joined behind his back, and he appeared in meditation. He was tall and well-proportioned, about the middle age, with a sallow, melancholy, and rather intellectual countenance. He eyed me steadily, but not offensively, in passing; and I recognised in him the priest whom I had seen quitting the confessional that morning at the church. We passed and repassed one another several times in that long shady walk. Once we both stopped within a few yards of one another, to watch the motions of a party of soldiers, who at a few hundred yards' distance were practising firing with muskets. Just then I had half made up my mind to attempt entering into conversation with him; for I thought it not impossible that he might speak a little English, or that, at all events, we might contrive to make one another understood in Latin. All I had heard and read of foreign ecclesiastics came across my mind—he might be a bigot, and hate a heretic like me; so, on the whole——While thus occupied, a merry voice broke in upon me suddenly, "Pa—pa! My Pa—pa! dear Papa!" it was my little son, who at the same time clasped his arms round my leg, having with his nurse approached me unexpectedly from the adjoining walk. Never were his little prattle and pranks so dear and welcome to me as at that moment, when I had for one or two hours felt myself to be a kind of *solitaire*, cut off from my wonted intercourse with my fellow-men, between whom and me there was no communion of speech, lost in a reverie of novel and chilling thoughts and speculations. After despatching him, I walked on towards the further end of the Ramparts, and seated myself on a bench which commanded a very pretty view of the town of Calais. As I gazed at it, my thoughts insensibly travelled to those passages in English history which made such memorable mention of it. Nearly five hundred years ago had our victorious Edward III. made Calais his own! Flushed with the glories of Cressy, methought I saw him watching the progress, and considering the effect of his formidable lines of circumvallation, round which his galled and baffled rival Philip hovered in vain. Then, lo! a dismal sight—the six burgesses, death-doomed, bearing their halters, dressed in their shrouds, and bringing the keys of the city to its furious conqueror; then his tender and merciful queen, melting his cruel purpose concerning them. I was deep in these recollections, my arms folded, when the church clock near me struck four; and looking suddenly up, my eye lit upon the dark figure of the priest, who, from above the hedge of the adjoining walk, was standing and gazing at me. On observing my motion, he slowly turned away and walked on, I also stepping down into the town, and hurrying to my hotel. I could not help noticing, as I passed along, the chime of the Exchange bells, and gradually recognised the air of an old French *waltz*—

"Depuis long temps j'aimais Annete."

But dinner! dinner! how hungry I was! How glad to see the fitting preparations completed, and in cleanly and comfortable style! My toilet did not occupy me long, and down we sate, ready to do ample justice to Monsieur's purveyance. Expect not, however, my friend, any curious criticisms on the art gastronomic, such as lately astonished the quiet readers of the *Quarterly*. I have neither the requisite knowledge nor experience, and am mindful of an old friend's caution—

"Nec sibi cœnarum quivis temere arroget artem,
Non prius exactâ tenui ratione saporum!"*

I have as keen a relish as any one of her Majesty's subjects for good things, but care little about the art of producing them; that I leave in better hands. But to return. The vin ordinaire was soon ordered off the table —it was filthy, and set our teeth on edge. It's place was supplied by Champagne only. The fish and fricandeau were very fair—both, however, somewhat too acrid, the latter being utterly smothered in sorrel sauce. As for the fowl—*oh, Lord, that fowl!* it grieved me to behold it! It must have died of the pip! Such skinny legs and wings—such a meagre trunk—we dissevered and mangled it, only in charity to our successors; a thing, in similar circumstances, that I do invariably. We had, however, an omélette in reserve, and it was excellent. A little

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* Hor. Sat. Lib. II. Sat. iv.

Gruyère, and the ordinary et ceteras, especially a thimbleful of eau de vie de Dantzic, wound up our brief and modest repast. I had some cause to feel elated, for my wife had left me all the Champagne to discuss, except about two glasses. For a while I felt less lonely than I had been during the day.

Dinner done, I sate at the open window, to see what was going on in the street. Presently came the sound of a horn, accompanied by the rattling of heavy wheels, and lo! the Paris Diligence! — a great lumbering vehicle, drawn by three horses, and two horses abreast, crammed with passengers and luggage — there was evidently an Englishman peeping out of the banquette! How vastly inferior the whole affair looked to *our* light, compact, and even graceful public vehicles! A few minutes after this the waiter came in and told us that the voiture was at our service, if we were disposed to take a drive through the suburbs of Calais. This was an excellent idea; in a trice my wife, the child, and servant got into the voiture,—a capacious old-fashioned-looking glass coach, drawn by two excellent horses. Understanding from the waiter that the driver could speak English, I got on the box beside him. Passing beneath the covered gates, and over the drawbridges, somewhat reminded me of Portsmouth and Chatham. A good many soldiers were sauntering about, and the towns-folk were abroad in considerable force, enjoying the delightful cool of the evening.

"Which way are you going?" said I to the driver, as we approached a part of the road that branched off into two.

"Non, Monsieur!" he replied, with a stupid air, quietly smacking his well-fed horses.

"Why — ne parlez vous pas Anglais?" I inquired, rather sharply.

"Non, Monsieur," he grunted.

"The deuce take the fellow"——

"Oui, oui, Monsieur," he replied, with a matter-of-fact air.

I burst out a-laughing. He modestly smiled.

I felt so annoyed at this that I was almost resolved to get inside; still, however, the air was pleasant, and I could see infinitely more than if I were within, so I endeavoured to reconcile myself to my hard fate. The driver now and then spoke to me in French—I daresay he considered me queer and taciturn enough, for I seldom answered him, and could not make him understand distinctly that I spoke French no more than he spoke English. Our road was open and cheerful—a very broad highway, with houses and shops on each side—something resembling Ratcliffe high-road, or Whitechapel road, but not so crowded, or with such mean-looking houses. About a mile and a-half from Calais, on the left-hand side, stood a church. The driver pointed to it, and said, in his usual dull phlegmatic manner, as I understood him—

"Ne verrez-vous pas l'eglise, Monsieur?"

"Oui," I answered; and presently our voiture drew up at the gate of the churchyard, where we all got out. Heavens, what a marvellous appearance had that churchyard on first entering it! It was crammed with large wooden crosses, painted black and white, with inscriptions on them—so totally different in aspect and character from *our* white grave-stones—looking, in the fading daylight, like a crowd of ghosts all with outstretched arms! They struck a kind of awe into my soul, as I passed through them! We entered the church, unattended by any one. I found about thirty or forty women, chiefly elderly and of humble station, kneeling on chairs, in silent prayer—nevertheless curiously eyeing us as we stept past them, looking at the same mournfully foolish objects, as I considered them, that had presented themselves to me at the Calais church. One thing pleased me—the perfect equality in point of place and position—whoever came to the church must sit in one place, and on the same description of seat, a rush-bottomed chair: so different from *our* inclosed luxurious pews, and free seats. Altogether, there was something very striking in the scene in which we were placed; the strange unearthly aspect of the churchyard; not a living figure visible; not a sound audible; the mellow declining sunlight; the calm summer's evening; the humble-looking antique church; the simplicity and silence within; the motionless figures of the devotees; two large tapers, recently lighted, burning faintly before the dusky altar-piece; one or two grotesque-looking shrines; I watched all this with deep interest and presently quitted it with a subdued and lonely feeling. We re-entered our vehicle, and drove off after a little colloquy between me and the driver, in which we in vain endeavoured to understand one another's wishes and meaning. Observing the country to look very pleasant towards the right, I pointed in that direction, and he presently turned down a by-road, on the right; and drove beside a narrow but rapid stream, on the borders of which stood, as I thought, a paper-mill. We met a kind of Irish jaunting-car, a queer, but very neat turn-out; and the driver and his groom, who sat back to back, were palpably fellow-countrymen of mine—that is to say, fellow-*Britons*—for they were evidently Irish, and I Welsh! By and by the door of a very small, mean-looking cottage opened, and there issued forth a middle-aged woman, very neatly dressed in cap and shawl, accompanied by apparently her daughter, a girl about six years old, dressed as elegantly as a young lady of some station in England, attired for a ball! They were evidently going to a little ball, or evening party. Indeed, a little further on, from several small houses on the right, issued the sound of music, and through the open doors I saw the figures of young men and women dancing. Soon, however, we left these houses behind, and found ourselves fairly in the country, only a distant farm-house visible here and there, with a wind-mill or two; labourers and farmers "homeward wending their weary way," with sickles, rakes, &c.; and laden teams jogging slowly along towards the town. Our road lay between a kind of heath, bordered by cornfields, but the whole surrounding scenery seemed rather flat and cheerless. There was nothing here to remind us that we were not in England. As it was getting chilly, and the shades of evening descending fast upon us, and my little boy had had a long and wearisome day of it, I directed the driver to return, and by about half-past seven we were safely housed again at our hotel. I gave the man a franc, with which he seemed quite satisfied, and we were charged in the bill only three francs for the voiture.

It was now getting rather dusky, and my wife was tired with her day's peregrinations. My enlightened curiosity, however, was not yet sated, and I had only three old stale numbers of *Galignani's Messenger* wherewith to occupy the time; so after our *café au lait*, once more I sallied forth alone to view the humours of the town. I bent my steps towards the harbour. About twenty or thirty soldiers of the line were clustered about the great gate. They seemed a swarthy, stunted set of fellows, with nothing like the air or *physique* of our own soldiers; doubtless, however, able to do a little stroke of business when occasion might require it. On reaching the fish-market place, there seemed to have recently arrived a cargo of oysters; and I joined a group of fishwomen, who were surrounding four small heaps of large coarse-looking oysters, which were evidently being sold by auction, the auctioneer being a grey-headed fishwoman, who, with her arms akimbo, with a serious matter-of-fact air, and in a quiet authoritative tone, scarce above a whisper, was saying, "deux francs—trois franc et demi—quatre francs—cinq—six—sept francs," &c., &c. A buxom good-looking young fishwoman just before me, with huge ear-rings and very neatly dressed, was declared to be the purchaser, and the little cluster of bystanders dispersed. She instantly whipped out a large claspknife,—took up an oyster in her hand, struck it heavily with the back of her knife, —the point of which she then forced into the fracture,— and forthwith opened the oyster, to the manifest peril, as I fancied, of her left hand; gulped down the astonished native, and then, in like manner, opened several more, which she distributed at a trifling price to one or two of the people standing by. With a good-humoured smile she offered me one of the finest that came to hand. I motioned, however, that I had no money.

"Sacre!" she exclaimed, proudly, still extending the open oyster to me, which it would have sickened me to put to my lips, for "the full stomach loathes a feast"—"Il faut *donner* au gentilhomme!" But I excused myself, notwithstanding, as civilly as I knew how, and she desisted, whispering to a companion something like—"Gentement! c'est un Anglais!"

I now retraced my steps towards the town, and sauntered slowly about, peering into the various shops, in which lights were beginning to make their appearance. In a bookseller's window I beheld—shall I be foolish enough to mention it?—a French edition of a certain little work of mine own, and the first volume of Mr Hallam's late work on the literature of the sixteenth and seventeenth centuries—selling each of them for four or five francs, if I recollect rightly. Seeing the owner of the shop, as I fancied, standing at the door, a civil-looking well-dressed young man, I ventured, in a sneaking kind of way, to point him to my book, and say "Je vous prie, hem! Do you sell—a—a—plusieurs—de—de—ce livre?"

"Oui—assez bien—*passablement!!*"

It served me right. He then took up Mr Hallam's book, and showing it to me addressed me very volubly, doubtless eulogistically, concerning that able and very learned performance; but scarce a word of his panegyric could I understand. What an odd mode, by the way, they have of suddenly raising the pitch of their voice at the end of a clause or sentence, running the word off into a kind of—"euh!" And then they talk with such rapidity! But to return. Wishing to appear capable of saying *something* that should appear fine, I answered a long harangue of his by gravely observing, in a very calm and confident tone, "*Barbara celarent Darii ferio que prioris!!!*"

"Précisement, Monsieur!" he replied blandly; adding, however, after a moment's pause—"Mais—je ne parle pas l'Italien!"

"Bon soir!" we both exclaimed, with a bow, and separated. A little way on I beheld a dog, apparently of the terrier-breed; and being something of a naturalist, felt a great desire to ascertain whether it would bark with a French accent, or not. For this purpose I followed it in its little peregrinations, and presently had the good fortune to hear it utter a short sharp bark precisely after the manner of an English dog. This I carefully noted, and will maintain against all gainsayers. I likewise saw a cat; but though I tried to make it mew, I did not succeed. I now sauntered about the market-place, a very large open square, where little parties of decent townsfolk were promenading to and fro. A good-looking middle-aged man, dressed in a blue surtout, and white trowsers, suddenly stopped near me, and placing on the ground a small box he had carried under his arm, opened it, and displayed small packages apparently of corn-plaster. One of them he took in his hand; then he removed his hat, which he placed on the ground beside him—displaying a bald head and excellent forehead—placed himself in the attitude of a public speaker (!), and, addressing me and a little boy, began—"Messieurs" (!!)—the rest I could not understand. He went on with great energy and fluency, evidently commenting on the virtues of the article he held in his hand. In about three minutes' time he had collected an attentive little auditory of about thirty or forty people, whom he harangued with infinite emphasis and gesticulation for about ten minutes, without, however, having persuaded any one to purchase anything. So he presently, with a graceful air, but some slight chagrin in his features, shut up his box, replaced his hat on his head, politely bowed in doing so—and his late hearers instantly dispersed.

I was standing near the Place d'Armes, where several soldiers were sauntering about. Six drums were lying on the ground; and as the clock struck eight, they were instantly seized and buckled in front of six drummers, who stood before a drum-major. He waved his *canne* formally, and they began to beat the drum,—such an admirable *roll* I never heard. I grieve to be forced to own that I never heard such drumming in England—such precision, and even *expression*—the drums seemed to speak!—and all done with the utmost ease and *sang-froid.* They remained thus engaged for about five minutes—I was infinitely struck with the startling effect that such a stern martial alarum was calculated to produce in the peaceful town, at dusk—and then the drum-major gave the word of command—they faced about, and, he leading the way, they marched off, still beating the *retraite*,* I, and a straggling crowd of children, following in their rear. The hour—the place—the deepening shades of evening—the feelings and associations excited by the military music—I a foreigner—these considerations took such a hold on my fancy, that I followed the music down two streets, and then stopped to listen to the sound, growing gradually fainter (they perambulate the town thus every evening), till in the distance it was only an indistinct "rap, tap,—tap, tap, tap; ra—ra—rap, rap—tap, tap, tap!" and I bent my steps towards the hotel, for there was nothing else to be seen—no theatre or place of public amusement, and I was getting rather fatigued. I found a couple of tall wax-lights standing guard over my wife, who was asleep on the sofa; so I sate myself down in an ample arm-chair, thinking over what I had seen during the day. I had not been disappointed. What I had seen, and heard, and felt, was quite different from anything I had *before* seen, or heard, or felt. I had witnessed French manners in a complete French town. The inhabitants seemed generally gay and active, the place cleanly and orderly; I felt a difficulty in pitching on any town in England similarly situated, and of similar pretensions. Still I could not have spent a second day at Calais: I felt that I had exhausted it. A little noise I made in moving my chair at length awoke my wife from her nap; and she prudently suggested that as we should have but little time to spare in the morning, having to start at half-past seven, we should settle with M. Quilliacq, over-night. I ordered the bill, therefore, to be brought, and it was presented to us in a few minutes' time. The sight of it not a little comforted us. Here it is:—

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* The *Retreat*—to summon all the soldiers that may be about the town to their barracks.

Août 14.

	fr.	ct.
Diner (2)	8	
1 Champagne Sillery, ...	8	
½ Vin (ordinaire), ...	1	
Eau de vie de Dantzic, ...	1	
Café (1), ...	1	50
Soda, Sucre, Cognac, ...	2	50
Bougies, ...	2	
Logement, ...	10	50
Promenade en Voiture	3	
Domestique. *		
Diner, and ½ de vin, ...	2	25
Thé, ...	1	
	40	75

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* Madame Q. took quite a fancy to my little boy; which must have been the only reason why the following item—

"Diner de l'enfant, 1 fr. 50,"

was scored out.

Seven francs we gave to the servants; and having taken a glass of brandy and water (whether my wife took any of it, in a wine glass, is a matter entirely between her and me, and the reader has no concern with it), and talked over a few of our little adventures, we betook ourselves to our bedroom about ten o'clock, passing through that in which our little son, with his dear ruddy cheeks and curly hair, and his arms fancifully disposed over the pillow, was lying, the image of blessed innocence, his thoughts, perhaps—who can tell whether children dream? Dear little boy, thought I, as I bent over him for the first time in a foreign land—my first-born, and only son—Pshaw! perhaps the reader is not a parent,—but *you are*, my friend. We had a double-bedded room, so we took a bed a-piece, for they were very small. I lay awake for several hours. How tired I was of the eternal "Depuis long temps" chimes of the neighbouring Exchange clock! Towards two o'clock we both began to get drowsy; when a dog, as if determined to put an end to my scepticism for ever, on the subject of canine pronunciation, commenced such a continued barking and howling, as dispelled sleep indefinitely!

"E———!" I exclaimed, in a low tone, to my wife, "are you asleep?"

"Asleep? How can you ask me! when that abominable dog"——

[Bow, wow! wow! wow! who—o—o—o! Who—o—o! Bow, wow, wow——wow!]

"Perhaps it's an English dog that is *bothered* here, and cannot agree with his French companions?"

"Don't talk such nonsense! I'm really too vexed to laugh. So tired as one is with a long day's"—— However, the noise ceased for a time. I began to forget where I was; then my half-opened eye would settle for a moment drowsily on the alabaster vases and mirror, dim glistening in the rush-light lustre over the mantel-piece; a delicious feeling of fast-retreating consciousness came over me—

* * * when such a long lamentable howl burst upon my startled ear, as satisfied me that the devil owed me some particular grudge.

"Good heaven! what *is* that dreadful sound?" exclaimed my wife, starting up. "Where are we? Oh ——" I also got up, almost in a cold sweat. "Depuis long temps—J'aimais Annette," said, or rather sung the Exchange bells—and out went, at that particular juncture, our rush-light. * * * Black—dark—pitch-dark—silent! —"*not a mouse stirring!*" * * * I recollect nothing more, till my wife came to rouse me, exclaiming, "Pray, do you know that it has struck seven o'clock, and we must be on board by eight?"

Having forgotten to bring with me a razor, I felt it necessary "to seek a shaver;" and quitting the hotel, I found, in the adjoining street, the place I wanted—a small neat barber's shop, the shutters of which had just been removed. "S'il vous plait—rasez-moi!" I exclaimed to a genteel young man, who was standing within, twirling about and combing his hair. He proved to be the owner of the premises; and seemed about twenty-five, very good-looking, but rather effeminate, with his hair plastered down into a large curl over each ear; he seemed to have neither beard nor whiskers; and rings on each little finger, and in his ears—why had he none in his nose? You would have laughed to see me surrender myself into his hands, having in vain endeavoured to make him understand how precious my time was! Before he began, he put a little *eau de Cologne* over his fingers, which were soft and delicate; and when he had finished, he brought a basin of water, into which he freely poured some *eau de Cologne*, and fragrantly cleansed my cheeks and chin. Short as was my time, a sudden whim seized me of having my hair cut, which was not at all necessary, by the way! All I could signify of my wishes, was, b running my hand, scissor-like, through my hair. Befor commencing he made me an earnest speech, which could not understand; but at length I ascertained that he was asking me whether I would have my hair cut in French or English fashion. I pointed to his own hair, and shook my head, exclaiming, "à l'Anglaise—*Anglaise* ——"

"Oui, oui, oui! Oui, Monsieur; je comprends bien!" he replied, and began. As we could not talk to one another, I fell into a brown study by the time that he had done—and then, how he had twisted and plastered my poor hair! I could not help laughter, as I looked at myself in a glass which he held for me, and observed the confident air with which he was regarding his handiwork. Not wishing to hurt his feelings by altering the entire disposition of my hair, I clapped my hat on, gave him a shilling, with which he seemed abundantly satisfied, sneaked across the street, and, once got into my room, soon brought my hair back into something like its usual disposition. My long absence had, I found, somewhat alarmed my wife, who fancied that I had got into "some queer adventure or other," and lost myself, or "made no note of time." Having fastened up the carpet-bag, I gave it to the waiter, who followed us down to the quay. On reaching the steamboat, the Commissionaire of M. Quilliacq presented himself, and with a polite air said, "Monsieur ———, you shall give me, if you plizz, four shilling, for your expense." Taking it for granted that his demand was one of course, I immediately paid it; and, wishing us a pleasant passage, he withdrew, and we got on board. The morning was cool and pleasant; but there was evidently a brisk breeze stirring, of which we should know more when we got out to sea, and of which the people on board proposed taking advantage, as the sails were all ready to be hauled up at a moment's notice. There were about twenty passengers, all respectable people, with the exception of some three or four old Frenchwomen, who looked arrant smugglers! As we passed up the harbour, and got sight of the sea, I saw how matters were likely to be—the water was evidently very rough, and the wind blowing rather hard. As we rounded the jetty, up went the sails, and presently, whew!—pitch—pitch—heave—roll—up and down, lurch went the vessel, with that thrilling, quivering accompaniment always present to a steamboat.

In less than a minute four ladies had laid themselves down upon the deck in all the direful agonies of sea-sickness; which in about five minutes' time attacked and overthew my wife, the child, and his attendant; as for me, I have passed too frequently between Leith and London, and been too much on the water at the sea-side, to suffer easily; and I escaped—to observe my fellow-passengers! There was a tall pale gentleman, apparently about thirty-five, very philosophical, with spectacles on, and who had caused it to be understood that he had found out a method of preventing sea-sickness. Well, amid all the horrid pitching, and rolling, and quivering of the vessel, he sat, leaning forward, resting his face on his hands, his fingers compressing his eyes — in this posture he continued motionless for upwards of an hour, during which time the vessel pitched about much more than I could have thought a steamboat could—so much so, that it required some care, in moving about, to prevent being jerked off one's feet, and falling overboard. But to return to the philosopher and his experiment—yes, there he continued motionless—evidently in a desperate humour, adhering to his system. Ah, me! that dismal lurch—alas, my philosopher, are you the first whose theory has failed? * * *

Near where I generally stood sat a stout French gentleman, of middle age,—wearing a fur travelling-cap, with a gold band round it, and wrapped in a roquelaire, smoking a cigar. He could speak a little English—and I had asked him, soon after starting, whether he expected to be sick.

"Non, sare, I will not be *seek*. De sea and I, sare, are ver better friends than for fall out with each oter—I am ver well!" and he puffed his cigar vigorously.

"Ah, but do you think, sir, you will *keep* well in this shocking motion?"

"I believe, sare!" he replied, somewhat drily—and I left him;—but I kept a sharp eye on him!—For an hour or so he held up bravely—latterly, however, looking somewhat keenly at me as I passed and repassed him—he fancied I was maliciously watching! At length he laid aside his cigar, and folded his arms; then I fancied he had lost a little colour;—by and by a queerish expression came into his eye—it was languid and unsteady.

"That *was* a plunge, wa'n't it, sir?" said the Captain to him, as we were almost both of us pitched several feet forward by the shock. The Frenchman attempted no reply, but suddenly rose from his seat—exclaimed faintly, "Sacre!—oh, *mi* Got!"—rushed, with the Captain's assistance, to the lee-side of the vessel with a desperate air. * * *

There was a lively genteel-looking lad, about sixteen years of age, who was as merry as a bird for about half an hour, here, there, and everywhere—blithely whistling and humming, and amusing his mother with his antics. She was a very agreeable person, and we chatted a good deal together. Neither of us were sick at all, or approaching to it. But her son—"oh, how he liked the motion! He hated smooth sailing—*this* was exactly the sort of thing he liked. It was *such* fun!—Mother, only look—see what a height we are out of the water, then down again—how I wish Tom were here!"

"Don't be too confident—you may be a sufferer yet," said his mother, with a smile.

"I? never trouble yourself! I like it, of all things—it's as good as any swing!" Very probably; but about ten minutes afterwards, happening to cast my eye in the direction of the larboard-side of the vessel, which was crowded with invalids, I saw a lad's face directed towards us for a moment, pale as a sheet—then his back suddenly turned. I neither saw nor heard any more of him.

My wife and child suffered very severely. I began to be seriously alarmed for the former—but happily all ultimately passed off well. For my part, the passage home was delightful,—marred, a little, it is true, by the painful spectacles of desperate indisposition around me. I hate steamboats, both great and small; I am always nervous when on board them—and involuntarily shudder at the idea of an explosion. This is weak—but I cannot help it. For my taste, give me a taught vessel, wind-impelled by bellying canvas. See her, glorious creature—

> "Forth to the breeze she unbosoms her sail,
> And her pennon streams onward like Hope in the gale!"

bounding bravely over the heaving and roaring waters—however they may fashion themselves!—Instead of a black smoky fabric, obstinately grunt—grunt—grunt—grunting with hideous noises, steam and smoke—the old Leith smacks for ever!—

We entered Dover harbour about twelve o'clock, the wind still blowing freshly, but the sun shining brightly. A host of inquisitive people peered down at us from the pier-head as we passed. We looked, with figures still prostrate on the deck, something like a ship just coming out of action!—Mr Theodore Hook has a smart sketch of such a scene, in his "Jack Brag." After paying the fare, and one or two minor et ceteras, I found that I had not one farthing left in my purse. I spent the rest of the day in meditating upon French scenes, manners, and character, and digesting the results of my profound and extensive Continental observation. This letter gives you but a glimpse of them: only wait till my great work on France, literary, social, political, and religious, shall have made its appearance; and till then, believe me, affectionately yours, &c. W.

PEGSWORTH: A PRESS-ROOM SKETCH.*

LONDON, 10*th March* 1837.

DEAR SIR CHRISTOPHER,

In giving you a short, and I hope interesting, account of a scene of peculiar gloom and terror which I have just returned from witnessing — the preparations within the prison for the execution of Pegsworth the murderer, and his execution,—I do not think it necessary to vindicate or account for the curiosity which led me to witness so sad a sight. I must acknowledge that of several persons who happened to know that I was going, none evinced any desire to accompany me, even had it been in their power. Some expressed astonishment at my determination, and declared that no earthly consideration should induce them to follow my example. Others pretty significantly hinted at my want of feeling, or remarked upon the over-mastering effect of curiosity upon even the liveliest sensibilities. When, however, I rejoined these persons after having witnessed the spectacle I am going to describe, there was not one of them but besought with eagerness, and listened with breathless interest to the details of a scene which they had so murmured at my qualifying myself to describe. This communication to you is the result of their suggestions and entreaties. I shall therefore tell you, shortly and simply, all I saw; I shall, in a manner, take you with me; premising only that I have no desire to prolong the remembrance of the blood-stained wretch whose end I witnessed, nor to lay myself open to the charge of exaggeration or mawkish sentimentality.

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* *Blackwood's Magazine*, April 1837.

Pegsworth, you will remember, about two months ago, sought an interview with one Ready, a tailor, whom he owed some trifling sum, for which he had been summoned to a Court of Requests by Ready. While standing in quiet conversation and remonstrance with Ready, who was an invalid, in the parlour of the latter, Pegsworth calmly drew a long sharp knife from his pocket, and stabbed him to the heart, so that he almost instantly expired. Both were members of the same dissenting chapel, and had ever passed for quiet reputable people; and both had wives and families. The murderer immediately surrendered himself to the officers of justice, confessing what he had done: and when arraigned at the Old Bailey, pleaded guilty—on which he was immediately sentenced to death; and his body, according to the recent statute, directed to be buried within the precincts of the prison. When this part of his sentence was pronounced, and then only, he shuddered. The day of execution was fixed for Tuesday the 7th instant, and on the Monday preceding, I suddenly formed the determination of endeavouring to procure admission into the interior of the prison, for the purpose of witnessing the person and demeanour of the murderer, and the solemn preparations for his execution. I went straight to one of the under-sheriffs; who, on seeing my card, and hearing my request, after some little demur, politely acceded to my wishes; and writing his name on my card, desired me to present it the next morning at half-past seven o'clock at the door of the room in which we were then standing, when I should be admitted, and accompany him to the scene of execution, and witness the whole process.

Having passed a wretched night, disturbed by all manner of wild and dismal dreams, I rose a little after six o'clock. Several times, while dressing, I half determined to abandon my design, and get into bed again;

but I persevered, and about seven o'clock was in the upper part of Holborn, down which was pouring a constant stream of men and women, of the lowest description, towards the spot whither I was bent. I felt then somewhat ashamed of my company and errand. Judging from the indifferent manner, the jocular volubility of these people, you would have thought them going to see a dog-fight rather than the execution of a murderer! As we approached Snow-hill, which leads directly up to Newgate, all the avenues were seen crowded with the same description of people as had accompanied me down Holborn. Passing along Farringdon Street, I approached the Old Bailey by Ludgate Hill; and so escaping the crowd, even already very large, I slipped into the side door of the court-house, and was presently ushered into the room into which I had been shown the preceding afternoon. Three or four gentlemen, one of whom was a foreigner, I was informed, of some distinction, were sitting and standing round a cheerfully-crackling fire, and had evidently come on the same errand as I had. I sat down in perturbed silence, wondering at myself for entering upon such a gloomy expedition. While the foreigner — a Spaniard, I thought — was describing, with somewhat excited gestures, the mode of execution adopted in his country, the door opened, and the two sheriffs and under-sheriffs entered, attired in their official costume, wearing weepers of white crape. The sheriffs had never before, I understood, witnessed an execution; and they seemed not entirely free from indications of nervousness and apprehension of the dreadful duty imposed upon them. After a few moments' pause, they moved towards the interior of the prison, and we, whose number had increased to about twelve or fifteen, an eager but silent little throng, were directed to follow. After going through two or three long and narrow passages, we were stopped by a huge iron-bound door, on the other side of which, peering at us through the bars, was Mr Cope, the governor of the prison. The sheriffs and undersheriffs passed on immediately, and the door was then closed upon us, who would have followed them. We began to fear disappointment, and that, for some reason or another, the authorities had suddenly determined upon refusing us access to the press-room, possibly on account of our suddenly augmented number. After waiting, however, patiently for a minute or two, I and another, showing our counter-signed cards, were permitted to pass, as were the rest of the party soon afterwards. A turnkey conducted me and my companion along another narrow passage, the floor of which was covered with saw-dust. As we followed our grim guide along the passage, which seemed to run parallel with the front of the prison, an open door gave us a momentary glimpse of the vast crowd without, whose confused hubbub, suddenly and but for an instant audible, enhanced the portentous silence that reigned within the prison. After standing for a few moments in the passage, our guide quitted us, but soon returned, and requested us to follow him silently into the room in which the criminal was shortly to undergo the fearful preparations for execution. I obeyed, with a beating heart.

We had to pass through a room, lit with a lamp, if I recollect rightly, where a man was opening a door, having in his hand the sacramental cup—the last ordinances of religion either having been just completed, or commencing. "Gentlemen," said the governor, dressed in black, who here rejoined us, and ushered us into the press-room, "you will wait here, and be as quiet as possible, till the prisoner comes in, which will be in about five minutes. You will have the goodness to stand on each side of the room, and leave the middle open, so that the prisoner may pass on directly from the door to this table." He then left us, and we disposed ourselves as he had directed. It was not a large room, nor had it been before used for such a purpose as the present. The window looked upon a confined yard in the centre of the prison—and the revolving iron spikes with which the tops of the walls were fortified, together with the gloomy, massive, and ponderous appearance of everything about us, reminded me of the inscription—

> "Who enters here, give up all hope!"

At the end of the room, opposite to the door, leaning against a kind of dresser, stood three men: the one in the middle, a short, sallow-visaged man, in a shabby old drab great coat, proved to be the hangman, "Jack Ketch;" and the other two were his assistants. These grim ministers of death were standing in silence when we entered. He in the middle had his hands stuck into his hind coat-pockets, where doubtless were the cords and rope, ready to be produced the instant they were wanted. A gentleman who stood between me and the nearest of the three men, now and then whispered to him, and I heard a little of their conversation.

"Did he die well?" inquired the former, speaking of some malefactor whose name I could not catch.

"Yes, most *uncommon* game indeed. The Captain was a gentleman, sir, every inch; I hanged him—and he deserved a better fate!"

He was asked if the prisoners did not often appear overcome with fear.

"Lord, sir! frightened? I warrant me some on 'em is indeed. Some makes *sich* a noise, and cries dreadful! I've often told 'em to keep up, for that they ha'n't much longer to be in misery! Sometimes they can't stand up at all, sir—and are obligated to be held by the sheriffs and parson. How their knees tremble!—I recollect there was one young chap for forgery—we shan't never have any more to hang for *that* matter, hows'ever—he went through all uncommon well. But directly he caught sight of us standing, as we may be now, ready to tie him, it was quite wonderful, but he went as white as your shirt, sir, in a twinkling—and began to cry about his poor wife. Do you remember him?" appealing to his principal, who simply nodded.—"This man, sir, as is to die this morning, has a wife, poor thing—and she's to be brought to bed, they say, in a day or two. Isn't it sad, sir? But it's *fate*, you know, sir."

"You've not had much to do lately, have you?"

"No, sir, very little, uncommon little. It's pretty near a good four years since any one suffered here."

"Your's is a horrid employment!"

"Y—y—es—es, people thinks so, and so it is, I suppose—but use, sir—use, you know—and *some* one must do it"——

Here the slight whispering that had been carried on was suddenly stilled by the governor making his appearance, putting his finger on his lips. After a little widening the space between the two rows of anxious expectants, and entreating us not to press forward when the prisoner entered, he withdrew. My heart began to beat hard and quick. In a few moments the sheriffs and undersheriffs, with their staves, entered: then the ordinary (the Rev. Mr Cotton) in his gown and bands—his long flowing white hair and kind intelligent features giving him a striking and remarkable appearance; then followed a man with a slow firm step, walking unassisted, apparently listening to an earnestly-whispering Dissenting minister, to whose congregation he had belonged—his countenance solemn and composed, his eyes fixed, and his hands clasped together. This was the miserable Pegsworth!

He was dressed in a somewhat shabby claret-coloured body-coat, with velvet collar, a black neckerchief, a dark waistcoat, and corduroy trowsers. He was about five feet seven or eight inches in height, and of a robust frame, with a tolerable head of dark hair, and looked just about as old as he really was—thirty-six. I stood within a yard of him, and narrowly scrutinised his features. They appeared rigid, as if with the efforts he was making to preserve his firmness, in which he surprisingly succeeded. Their expression seemed naturally heavy and sullen. The knotted forehead, the high cheek-bones, the peculiar *setting* of the eyes, the protuberant upper lip, the *tout ensemble* of his features, in short, was that of a man quite capable of committing the diabolical act of cruelty for which he was now about to suffer, and not a little mitigated the agonising sympathy, or pity, his present circumstances were so calculated to excite, by reconciling one to the removal of such a being from amongst us. He walked, as I have described, firmly and slowly to the middle of the room, when the sheriffs motioned the executioners to advance. They instantly came forward. One of them, drawing out a slender cord, tied the miserable man's hands together at the wrists; a second passed a stronger cord round his arms, and fastened it at his elbows; while a third untied his neckerchief, and thrust it into the prisoner's bosom. While this frightful ceremony was going on, Pegsworth did not move a muscle, his eyes were fixed upwards as if in intense devotion—(I shall never forget their dreadful expression)—and though his lips slightly moved, he uttered no sound. Once, and once only, did his pent bosom relieve itself by a half-suppressed sigh, when he felt the executioner's hands removing his neckerchief. He behaved, in short, with amazing firmness and decorum. "Believe in the Lord Jesus," whispered the Dissenting minister, after a moment's pause. Pegsworth fixed his leaden eye upon the speaker, but spoke not. How fearful was his quietude! His passiveness, in the hands of those thus preparing him for immediate death—a man in the prime of life, in full health, leaving behind him wife and children!

At length the preparations, which had not occupied more than three or four minutes, were completed, and the chief executioner gently turning the prisoner with his face towards the door, shook his pinioned hands as if asking forgiveness for the act he was going to perform, and passed hastily out of the room, followed by his two assistants. The procession was immediately formed, and began to move towards the gallows. First went the sheriffs and the undersheriffs; then followed the ordinary, Mr Cotton, reading the burial-service — how I shuddered! the burial-service over a living man!—then the criminal; the other religious attendants; and we brought up the rear, I among the foremost.

"I am the Resurrection and the Life, saith the Lord," commenced the clear and solemn voice of Mr Cotton, as the procession began to move slowly along. "He that believeth in me, though he were dead, yet shall he live: and whosoever liveth and believeth in me, shall never die."

"I know that my Redeemer liveth." At this moment, just as we were entering a long dark passage, the dismal tolling of the prison-bell smote my ear and fell upon my heart, and continued at short intervals till all was over.

"I know that my Redeemer liveth, and that He shall stand at the latter day upon the earth; and though after my skin, worms destroy this body, yet in my flesh shall I see God, whom I shall see for myself, and mine eyes shall behold, and not another!"

Here was a pause for about half a minute, which brought us very near the dreaded spot. "We brought nothing into this world, and it is certain we can carry nothing out——" Here I lost his voice, for he had passed out of the Debtor's door into the open air, and his solemn voice was drowned in the noise of the crowd, which *we* could not see, shouting, "Hats off!—hats off!"

The gallows stood at about six feet distance from the spot where I was placed. On it stood the executioner and his assistants, waiting for the prisoner, who, following Mr Cotton, and followed by two ministers, mounted the steep steps unassisted, and walked calmly to the spot from which he was to sink into eternity, suffering the executioner to place him exactly on the drop, and under the chain to which the rope was to be attached. He continued in exactly the same attitude, and with the same expression of countenance, that we had witnessed in the Press-room. The cap was quickly drawn over his head, down to his chin—the rope adjusted round his neck—the steps by which the hangman had mounted to attach the rope to the beam were laid down, and then every one left the gallows but Mr Cotton, and Mr Baker.* The prisoner stood, in these appalling circumstances, firm as a rock—neither his hands nor knees moved or trembled in the slightest. The executioner took his place at the foot of the gallows, out of the sight of the crowd, and, with his hand upon the lever by which the plank on which the prisoner stood was to be let fall, fixed his eyes upon Mr Cotton, awaiting the signal. Standing closely opposite to the prisoner, Mr Cotton resumed, in a distinct, deliberate manner, the reading of the burial-service, an awful silence prevailing among the spectators.

"Man that is born of a woman hath but a short time to live, and is full of misery. He cometh up and is cut down like a flower; he fleeth as it were a shadow, and never continueth in one stay. In the midst of life we are in death: of whom may we seek for succour but of thee, O Lord? who for our sins art justly displeased! Yet, O Lord God, most holy! O Lord, most mighty! O holy and most merciful Saviour! Deliver us not into the bitter pains of eternal death."

As these words fell from Mr Cotton's lips, Pegsworth suddenly hung quivering before him in mortal agonies, for he had, unperceived by me, given the dreadful signal, and now retired as quickly as possible. Frightful as was the object, my eyes were riveted upon the swaying body with a kind of fascination. After a few convulsive heavings, life seemed extinct; and the murderer had passed into the immediate presence of Him whose decree it is that *whoso sheddeth man's blood, by man shall his blood be shed. Moreover, ye shall take no satisfaction for*

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* This was another Dissenting minister, who had for years attended on such occasions, to assist in offering spiritual consolation to the condemned.

the life of a murderer, who is guilty of death, but he shall surely be put to death: for the land cannot be cleansed of the blood that is shed therein, but by the blood of him that shed it.

As I had some acquaintance with the reverend Ordinary, he invited me to accompany him to breakfast in the Sheriff's room, at the other extremity of the prison; for, as the courts opened at half-past nine, the Sheriffs and Undersheriffs breakfasted there that morning, in company with the Ordinary and the other ministers who had attended Pegsworth. I perceived that none of us was disposed to eat a hearty breakfast. The evident oppression and faintness of several present procured a supply of brandy—a glass of which proved, to me at least, a real restorative. The conversation naturally turned upon him whose end we had just witnessed—the victim of Satanic passions, who was at that moment hanging a miserable spectacle before the assembled thousands around Debtors' door. It seems that he had been a pretty regular attendant at the meeting-house of the denomination to which he belonged—I believe, the Independents—and had always borne a good character, particularly as a quiet, mild, and peaceable man. Everybody, it was said, that had known anything of him, thought he would have been one of the last men in the world to commit murder. This set me reflecting upon the impression his countenance had made upon me: when I recollected the sullen cast of his features, and adverted to the account of the brutal ferocity with which his crime was perpetrated, I did not participate in the astonishment I heard expressed by those around me. It was possible that he might have always appeared a quiet and inoffensive man, and yet been all along, at heart, of a cruel and ferocious disposition; his dull phlegmatic temperament, inaccessible to the ordinary stimulants and excitements to which irritable, mercurial, and vivacious temperaments are liable. This it was—his comparative torpor and insensibility—that secured for him, as it secures for many others, the character which I now heard assigned to him. The moment, however, that his deep-seated passions were appealed to by an adequate stimulus, see what a fiend was manifest! How trivial the provocation, if any even at all! how deliberate the contrivance! how ruthless and diabolical the execution of his fell purpose!

He had acknowledged to Mr Cotton, a day or two before, that he went into Ready's parlour for the purpose of stabbing him; but that, after conversing with his intended victim, his heart failed him; and he was on the point of leaving the room, repenting of the horrid purpose for which he had entered it, when poor unconscious Ready said to him, "And you, Pegsworth, a *religious* man! *you* not pay your just debts!"—"On which," said Pegsworth, "I turned round instantly and stabbed him to the heart. I should never have done it, but for his reproaches on the score of my religion."

For about a fortnight after the perpetration of his crime, he exhibited, as his religious attendants assured me, the most hopeless hardheartedness. "He was like a rock—no making any impression on him, or extracting any expression of compunction or remorse." His wretched wife, when she first came to visit him, he repulsed, I understand, and told her "to go along home and look after her children." Latterly, however, the near and inevitable approach of death, added to the unceasing exertions of his spiritual advisers, brought him to a better frame of mind. If he did not exhibit that hearty and abundant contrition for his enormous offence which could have been desired, at least he acknowledged his guilt, and fervently besought the pardon and mercy of God, in the ordinances of religion. He clung to his Dissenting teacher to the last. The following is a *verbatim et literatim* copy of a letter which, late in the night preceding his execution, he addressed to Mr Cotton. I copied it myself. His handwriting is perfectly firm, good, and business-like; there is not an instance of bad spelling or bad grammar. Some of the expressions are singular and significant:—

"*Monday Evening, March 6th*, 1837.

"REV. SIR,

"I address these lines to you, to thank you for kindness to me during my confinement in Newgate, and for your kindness in giving me my choice of a minister; believe me, rev. sir, it was not in any religious scruples that I preferred Mr Kelly—it was because I had known him some time; had I known you as well as I do now, I should have been perfectly satisfied with your ministry. I feel particularly obliged to you for your anxiety for my soul, and the kind admonitions you daily offered me; and I trust, thro' the influence of the Holy Spirit, and the merits of my Redeemer, I may be introduced into the kingdom of God, clothed in the robes of Christ's righteousness, where God will wipe away all tears from my eyes. Hoping that God will support me to the last, and that he will abundantly crown your labours,—I remain, rev. sir, your obliged servant and penitent sinner,

"JNO. PEGSWORTH.

"The Rev. Mr Cotton, Newgate."

He went to bed on Monday night at eleven o'clock, desiring that he might be called at four; but his attendants, finding him sleeping very deeply, suffered him to sleep on till five, when they awoke him, and he calmly dressed himself, and immediately entered upon his religious duties. At seven o'clock he ate a hearty breakfast! I cannot account for the latter of these two circumstances. Both of them, I was told, occur almost invariably; and the former may be explained by the utter and extreme exhaustion both of mind and body, which are unable to resist the influence of sleep. What a moment must be that of returning consciousness, on awakening!

Though the mental suffering the prisoner had experienced ever since the perpetration of his crime, and during a period of nearly two months, must have been great, yet even when close confinement was added, it did not make any alteration in his health or appearance. He looked as stout and healthy at the moment of being led to the gallows as when he was first taken into custody. Surely there are not many of us who would not, in half the time, have been worn to a skeleton, and reduced to the last state of mental exhaustion!

I forgot to mention that he had passed, in his progress to the gallows, over the very spot where his remains were, the next midnight, interred by torchlight, next to those of Thistlewood and Brunt, in one of the passages of the prison.

About nine o'clock the City Marshal intimated that it was time for the Sheriffs to go and order the body to be cut down. We all accompanied them. Exactly as the clock of St Sepulchre struck nine, the hangman ascended the gallows—his appearance proving the signal for shouting from the crowd, who uttered many coarse and insulting expressions concerning him, and placing the steps behind the drop, he ordered his two assistants, who were beneath, to receive the body: then placing his left arm round it, with a clasp-knife he severed the cords that bound the wrists and arms, and the rope by which he was suspended. The body was then laid on a plank, and brought immediately into a room within the prison. When the cap was removed, very little distortion of the features was visible; they were sallow, and bedewed with a cold sweat, especially about the upper lip. He was quite cold. Two men immediately removed his coat and waistcoat, and began to cut off his hair—I believe in order to make preparations for Mr Deville, a plaster-cast man in the Strand, to take a cast of his countenance. Those who now saw the features—which, as I have already stated, were nearly in a state of repose—on deliberately examining them, agreed with me that they evinced a sullen and ferocious disposition, as far as any reliance may be placed upon physiognomy. His arms and legs were very muscular. A few minutes afterwards I left the dreary spot—and, thanking the authorities for the polite attentions I had received, quitted the regions of the Old Bailey, glad to find myself again amid the active scenes of life, with the faces of my friends and family about me. I shall never again attempt to witness such a scene. I am not sorry that I have once observed it, and enabled myself to bear testimony to the solemnity, the decency, the feeling, with which "the dread sentence of the law" is carried into effect. I can conceive no scene more tremendous than that which I have here attempted to describe. It is true that the main part of it is restricted to the privileged few who, like myself, were admitted within the prison: but even that portion of it which is witnessed by the public is awful enough to produce salutary effects upon the observer. Undoubtedly crowds at executions have been generally and correctly described as noisy and heartless—evincing little emotion, either of fear or pity. This may be the case with the bulk of the desperate wretches who congregate upon such an occasion, and yet afford no sufficient justification of the opinion of those who assert that capital punishment, and the public infliction of it, is ineffectual in deterring others from incurring the like penalties. We see with disgust the insolent hardihood of a few swaggering ruffians: we cannot penetrate into their bosom,—or we *might* see a heart shrunk with horror; and, above all, let us reflect how many that are not witnesses of the execution, but know it is going on, may be quailing in their guilty haunts, and arrested in a career of crime.

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